



**Paul K. Charlton**  
**United States Attorney**  
**District of Arizona**  
**Chair, Law Enforcement Coordinating Committee**



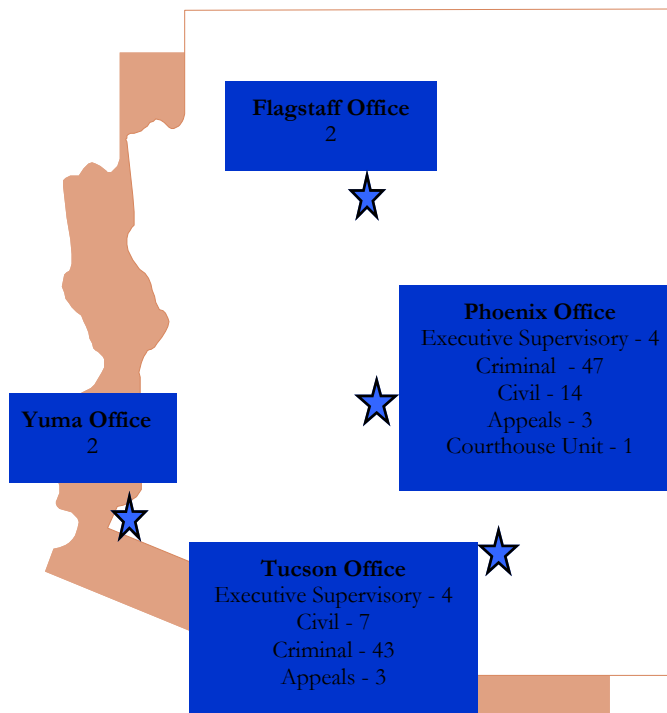


# THE ARIZONA U.S. ATTORNEY'S OFFICE

*"The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done."*

The United States Attorney is appointed by the President and confirmed by the United States Senate. Each United States Attorney is responsible for prosecuting all offenses against the United States and for defending all civil actions brought against the United States. Nationally, there are 94 United States Attorneys' offices. The Arizona U.S. Attorney's Office is responsible for prosecuting federal offenses and defending civil actions arising throughout Arizona. Annually, this office carries one of the largest Indian Country criminal and civil caseloads in the nation.

The United States Attorney is an active member of the Native American Issues Subcommittee of the U.S. Attorney General's Advisory Committee. The Subcommittee is comprised of U.S. Attorneys with large Indian Country jurisdiction. The Subcommittee provides advice and counsel to the Attorney General and the Department of Justice on a variety of issues affecting Indian Country and for which it is responsible. In addition to his national responsibilities, the U.S. Attorney participated in numerous federal, state and local law enforcement organizations and working groups to develop comprehensive law enforcement strategies for all of Arizona.







## VICTIM RIGHTS & VICTIM ADVOCACY

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The Victim Witness Program provides notice of case events and victim advocacy to hundreds of federal crime victims in Arizona each year. During 2004, the Program identified 2,840 victims and tracked 872 of those victims. The Program, as a whole, sent approximately 48,575 notification letters to victims regarding events occurring in their cases. Each of the five advocates carries a substantial caseload that, in many cases, requires travel to remote areas of the 21 Indian reservations. The Victim Advocates have provided much needed relief in administrative support, opening cases and advocacy to Northern Arizona crime victims. Recognizing our limits, we rely on cooperative support from state, tribal, federal and county victim assistance programs and law enforcement agencies throughout Arizona. These relationships are key to our continuing success.

### U.S. ATTORNEY'S SERVICE AWARDS

During **National Crime Victim's Rights Week** the U.S. Attorney's Office held its annual commemoration ceremony. The ceremony focused on the office's responsibilities to federal crime victims and highlighted individual efforts to promote victims' rights. Steve Twist, founder of Arizona's Voice for Victims, provided a memorable keynote address discussing his long career in advocating victims' rights which led to the passage of the Justice For All Act by the U.S. Congress in 2004. In a moving ceremony, homicide victims were honored by surviving family members, the Assistant U.S. Attorney and Victim Advocate assigned to the prosecution. The U.S. Attorney recognized the following individuals for showing dedication and commitment to serving federal crime victims. Each recipient was nominated by his/her peers for acts of compassion and professionalism to crime victims:

- ★ ***Special Agents Mike Huerta, Ruben Garcia and Ted Huffman from the Drug Enforcement Administration:*** These three agents were honored for their 10 years of hard work and dedication to finding and arresting the killers of Special Agent Richard Fass. On June 30, 1994, Agent Fass was murdered during an undercover operation. In the aftermath of that murder, four suspects were identified and three were arrested in short order. Those three were tried and convicted in Maricopa County Superior Court for Agent Fass' murder. The fourth suspect, Augustin Vasquez-Mendoza, fled to Mexico. Over the next 10 years, these three agents worked tirelessly to find Vasquez-Mendoza and have him extradited to the United States. This came to fruition when Vasquez-Mendoza was extradited to Arizona on January 29, 2005. He is now facing murder charges in Maricopa County Superior Court. Through all of this, Agents Huerta, Garcia and Huffman kept in contact with Agent Fass' widow and family to let them know the status of the investigation and prosecution. They continue to meet with the family and give them hope that justice for Agent Fass' murder will finally be achieved.





## VICTIM RIGHTS & VICTIM ADVOCACY

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- ★ ***Special Agent Michael Conrad, Federal Bureau of Investigation, Phoenix:*** Agent Conrad was honored for his hard work on behalf of minor victims of interstate trafficking. Since arriving in Phoenix in June 1998, Agent Conrad's work at FBI concentrated on these cases and has taken a proactive approach to these cases. He compiled a referral list to assist juvenile victims of interstate trafficking and sexual exploitation, he worked with various agencies trying to locate services for these victims and he has joined the Arizonans for the Protection of Exploited Children and Adults (APECA) and Arizona League to End Regional Trafficking (ALERT) in his efforts. Agent Conrad has met, and continues to meet, with social service agencies in his effort to direct resources to these victims. His work has had a positive effect on, not only the prosecution of these cases, but on the treatment of these victims.
  
- ★ ***Special Agent Nick Manns, Federal Bureau of Investigation, Gallup, New Mexico:*** Agent Manns has worked in the Gallup FBI office for three years investigating crimes occurring on the Navajo Indian Reservation. During that time, Agent Manns made extraordinary efforts on behalf of crime victims. He routinely takes the time to explain the investigative and judicial process to victims. He has an especially strong bond with victims of domestic violence and sexual abuse - discussing with many victims a way to make better choices in their lives and giving them strength and support so that they can face their abusers in court. Agent Manns has also worked tirelessly with the Navajo Nation, including their law enforcement officers, to stop the use and sale of methamphetamine on the reservation. Agent Manns recognized the impact the use of this drug has on crime on the reservation and participated, at the request of the Navajo Nation, in educating communities about the impact of methamphetamine. The Nation has recently passed a law criminalizing methamphetamine. The passage of this law was in no small measure due to Agent Manns' assistance and education efforts. Agent Manns went above and beyond the call of duty on a daily basis to make life better for the victims he deals with and all members of the Navajo Nation.
  
- ★ ***Victim Advocate Marlene Beall:*** Marlene, an Advocate in the Phoenix U.S. Attorney's Office, was honored for her extraordinary efforts on two different cases. Both cases involved brutal murders and were proceeding through the court system at the same time. Contrary to the wishes of some victims, the government sought the death penalty. During all of this, Marlene provided much needed support to the families. The sentencing/penalty phases of these cases were, in some ways, more difficult than the trials. Marlene explained the process to the families and gave them strength to sit through a terribly emotional process. As the prosecutor on the case put it: *"The process was long but through it all, Marlene exemplified what we seek in an advocate. Steady, there when needed, a liaison between the family and prosecutor."*





## VICTIM RIGHTS & VICTIM ADVOCACY

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*We could not have asked more of her, which is remarkable as these were her first cases since joining the office.” Although these were her first cases, Marlene continues to work every case as she did these.*

These individuals exemplify the true spirit of public service and have made a huge difference in the lives of federal crime victims

Each year the U.S. Attorney’s Office solicits the names of individuals and agencies that go above and beyond the call of duty to serve federal victims of crime. Please look for this annual announcement in early spring.

### SPECIAL EMPHASIS AREAS

Each year, the U.S. Attorney’s Office conducts or participates in various free training events designed to facilitate communication and enhance cooperative relationships between the federal, tribal and state law enforcement communities. Special emphasis is placed on the federal rules of evidence and federal law as it impacts the investigation and prosecution of Indian Country crimes and case work. The Office attempts to meet all local requests by tribal agencies for specific training.

**12th Annual Four Corner’s Indian Country Conference** - The 12<sup>th</sup> Annual United States Attorney’s Four Corner’s Indian Country Conference was hosted by the District of Arizona from August 18 - 20, 2004. The agenda focused on basic cooperative methods for investigating and prosecuting crimes and for providing enhanced services to Indian Country crime victims. The conference was attended by over 300 prosecutors, social service and health care providers, victim advocates and investigators from Indian tribes, state and federal government agencies. The featured speakers included: ***John Gillis, Director Office for Victims of Crime, United States Department of Justice***. Mr. Gillis is the nation’s leading spokesman on crime victims’ issues. His keynote address focused on the current state of crime victims’ issues throughout the nation and, in particular, Indian Country, and the ***First Lady of the Navajo Nation, Vikki Shirley***, who eloquently spoke about her family’s experience with crime victimization, their motivation to publicly speak out against drunk driving, and their efforts to develop the first MADD chapter in Indian Country. The conference evaluations were overwhelmingly positive and over 120 room and meal scholarships were provided to attendees requiring financial assistance to participate in the conference.

**Methamphetamine in Indian Country** - Arizona’s Indian Country is not immune to the influx of methamphetamine and its impact to rural America. The goal of this effort is to not only reduce methamphetamine distribution in Indian Country, but to affect the violent and property crimes that go along with it.





## VICTIM RIGHTS & VICTIM ADVOCACY

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**On-going Child Abuse Issues Training** - Assistant U.S. Attorney Dyanne Greer continues to provide training to federal and Indian tribal law enforcement agencies, prosecutors, Indian Country medical professionals and social services agencies who respond to incidents of child abuse. AUSA Greer has developed training to specifically encourage the professional development and active use of Multi-Disciplinary Teams in Indian Country.

**Multi-Disciplinary Teams** - The U.S. Attorney continues to stress the importance and benefit of using Indian tribal Multi-Disciplinary Teams to screen and review child abuse cases. An effective MDT (not to be confused with a CPT) made up of social service/child protection personnel, tribal and federal prosecutors, and tribal and federal criminal investigators significantly reduces trauma to an already victimized child by diminishing the number of interviews and interviewees who come into contact with the child. Working together, the MDTs meet to discuss cases to analyze whether a tribal or federal crime has occurred, to determine the appropriate action of the tribal or federal investigator, whether a tribal or federal prosecution is feasible, and the services that may be necessary for the child. If you are interested in starting an MDT in your tribal community or wish to invigorate your existing MDT, please contact the U.S. Attorney's Office. *See The Indian Tribal MDT Chart on Page 7.*

**United States Deputy Attorney General Visits Indian Country** - Deputy Attorney General ("DAG") James Comey and his staff, along with the staff of the Office of Tribal Justice, visited the Navajo Nation and Acoma Pueblo of New Mexico to get an on-the-ground view of law enforcement and justice system needs in Indian Country. The DAG toured the Window Rock detention center and met with Navajo Nation President and representatives of the tribe's judicial and law enforcement branch and the Acoma Pueblo Governor to discuss their specific concerns and the needs of Indian Country law enforcement, generally. Special emphasis was placed on the status of detention facilities in Indian Country and the need to fund more police officers.

**Indian Country Intelligence Network** - The United States Attorney is represented each month at the regularly scheduled meeting of the Indian Country tribal police chiefs. The meeting offers another opportunity for federal prosecutors to consult, dialogue and coordinate with tribal police to address issues that affect them generally and individually.

**13th Annual Four Corner's Conference** - The Arizona U.S. Attorney's Office once again participated in this annual event by assisting the host, the U.S. Attorney's Office for the District of Colorado, plan and prepare for this conference. The conference was held from September 12-15, 2005, in Pueblo, Colorado. The focus of this year's conference was on the new Justice For All Act, building safer communities, and coordinating efforts between law enforcement and victim services. Room and meal scholarships were available for individuals who required financial assistance to attend the conference.





## VICTIM RIGHTS & VICTIM ADVOCACY

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### *Future Planned Events:*

**Indian Country Fraud Prevention Outreach Forum** - The United States Attorney's Office, in conjunction with the Federal Trade Commission, the U.S. Postal Inspection Service and the Federal Bureau of Investigation, will come together to provide an overview of and prevention techniques of fraud affecting one of the highest targeted groups in America - Indians. The Forum is planned to take place in Phoenix, Arizona in early 2006.

**Writs and Federal Warrants** - Upon request, the U.S. Attorney's Office has coordinated with the U.S. Marshal's Service to provide training to the Gila River Indian Community's offices of investigation and detention on the federal warrant and writ process.





# MULTI-DISCIPLINARY TEAM LIST

| AUSA       | MDT                      | Contact Person   | VW                |
|------------|--------------------------|--|-------------------|
| T. Simon   | Phoenix Area             | Dr. Teramoto, IHS (602) 364-5175, Fax (602) 364-5025<br>And Jason Thompson, BIA Law Enforcement Office (602) 379-6958  | Marlene Beall     |
| K. Hare    | Chinle                   | Gladys Ambrose, Navajo Nation DSW, Family Services, P. O. Box 1000,<br>Chinle, AZ 86503, (928) 674-2050/2029, Fax (928) 674-5740   | Marc Tetzlaff     |
| J. Johnson | Cocopah                  | John Agee, Department of Social Services, County 15 & Ave. G., Somerton, AZ<br>85350, (928) 627-3729, Fax (928) 627-3116, jagee@cocopah.com  | Marc Tetzlaff     |
| J. Johnson | Colorado River           | Janice Patch, CRIT Behavioral Health Services, Rt. 1, Box 19, Parker,<br>AZ 85344, (928) 737-2685, Fax (928) 737-2697  | Marc Tetzlaff     |
| K. Hare    | Dilcon, Leupp            | Cecelia Kescole, Dilcon Family Service, HCR 63, Box 6089, Winslow, AZ 86047,<br>(928) 657-8065, Fax (928) 657-8041   | Mary Williams     |
| C. Hyder   | Ft. McDowell             | Lydia M. Dross, Fort McDowell Yavapai Nation Tribal CPS, P. O. Box 17779, Foun-<br>tain Hills, AZ 85269, (480) 816-7820, Fax (480) 837-4809,<br>Cell (480) 201-7061, ldross@ftmcdowell.org | Marlene Beall     |
| K. Altman  | Ft. Defiance             | Lucinda Waseta, Navajo DSW, P. O. Box 950, Ft. Defiance, AZ 86504,<br>(928) 729-4013, Fax (928) 729-4069   | Marc Tetzlaff     |
| J. Welty   | Ft. Mohave               | Ft. Mohave Social Services Dept., Needles, CA 92363, (928) 346-1550,<br>Fax (928) 346-1552   | Marc Tetzlaff     |
| K. Altman  | Ganado                   | Maria Jim, Navajo DSW, P. O. Box 210, Ganado, AZ 86505, (928) 775-5931,<br>Fax (928) 755-5939  | Marc Tetzlaff     |
| S. Sexton  | Gila River,<br>Ak-Chin   | Julie Gibbons, Gila River Indian Community, P. O. Box 97, Sacaton,<br>AZ 85247, (520) 562-6200, Fax (520) 652-6233, Julie.Gibbons@gric.nsn.us  | Marlene Beall     |
| D. Greer   | Havasupai                | April Watahomogie, BIA Social Services, P. O. Box 74, Supai, AZ 86435,<br>(928) 448-2143, Fax (928) 448-2262   | Mary Williams     |
| D. Greer   | Hopi                     | Charles Frank Freeman, Hopi Guidance Center, P. O. Box 68, Second Mesa,<br>AZ 86043, (928) 737-2685, Fax (928) 737-2697  | Mary Williams     |
| J. Johnson | Hualapai                 | Cindy Wallace-Walter, Social Services, P. O. Box 480, Peach Springs, AZ 86434,<br>(928)769-2269, Fax (928) 769-2659  | Mary Williams     |
| D. Greer   | Kaibab-Paiute            | Behavioral Services, 1 N. Pipe Springs Rd., H.C. 65, Box 2, Pipe Spring, AZ 86022,<br>(928) 643-8320, Fax (928) 643-7260, kptssp@scinternet.net  | Marc Tetzlaff     |
| C. Duryee  | Pascua Yaqui             | Kathryn Robey, Pascua Yaqui Tribe Children's Advocacy Center, 4730 W.<br>Calle Tetakusim, Tucson, AZ 85746 (520) 879-5777, Fax (520) 879-5778,<br>kat2541@msn. Com                         | Mary-Anne Estrada |
| T. Simon   | Salt River               | Steve Achin, Salt River Social Services, 10005 E. Osborn road, Scottsdale, AZ 85256.<br>(480) 850-8479, Fax (480) 850-8952,  | Marlene Beall     |
| A. Scheel  | San Carlos               | Karen Talgo, Social Services, P. O. Box 0, San Carlos, AZ 85550,<br>(928) 475-2313, Fax (928) 475-2342   | Mary Williams     |
| C. Duryee  | Tohono O'odham           | Vangie Ramon, Child Welfare Services, Tohono O'odham Nation,<br>P. O. Box 810, Sells, AZ 85634, (520) 383-6100, Fax (520) 383-5373   | Dori Arter        |
| R. Dokken  | Tuba City<br>Kayenta     | Christine Butler, Navajo Nation VW, P. O. Box 1168, Tuba City, AZ 86045, (928)<br>283-3132, Fax (928) 283-5353   | Mary Williams     |
| V. Kirby   | White Mountain<br>Apache | Susan Casias, IHS Social Worker, IHS Hospital, P. O. Box 860, Whiteriver,<br>AZ 85941, (928) 338-4911, susan.casias@mail.his.gov   | Mary Williams     |
| J. Lodge   | Yavapai-Apache           | Lee Simmons, Social Services, 2400 W. Datsi St., Camp Verde, AZ 86322,<br>(928) 567-0594, Fax (928) 567-6832   | Lee Miller        |
| J. Lodge   | Yavapai Prescott         | Terrie Stowell, Social Services, 530 E. Merritt, Prescott, AZ 86301,<br>(928) 778-7532   | Lee Miller        |





## ***Law Enforcement Coordinating Committee***

District of Arizona  
United States Attorney's Office  
Two Renaissance Square  
40 N. Central Avenue, Suite 1200  
Phoenix, Arizona 85004-4408  
(602) 514-7500  
FAX: (602) 514-7586



Since 1999, the Arizona Law Enforcement Coordinating Committee (“AZ LECC”) has continued to strengthen coordinated efforts between Arizona’s state, local, tribal and federal criminal justice agencies. The mission statement of the AZ LECC states *“The Law Enforcement Coordinating Committee was established in 1987 by the Department of Justice, as the point of contact, to foster a comprehensive cooperative atmosphere among all law enforcement agencies within the State of Arizona, to aid these agencies in the delivery of the most effective law enforcement services to all persons in the State of Arizona.”*

The LECC Executive Committee consists of approximately 34 regional representatives from state, local, tribal, federal law enforcement and related criminal justice agencies. There are now 18 Advisory Subcommittees with members from a variety of Arizona law enforcement agencies: (1) Asset Forfeiture; (2) Border Issues; (3) Child Exploitation Issues; (4) Drugs; (5) Environmental; (6) Ethics; (7) Firearms/PSN; (8) Gangs; (9) Hate Crimes; (10) Human Trafficking; (11) Jail & Prison; (12) Media Relations & Public Education; (13) Native American Issues; (14) Prosecution Issues & White Collar Crime; (15) Public Corruption; (16) Technology; (17) Training & Conference; and (18) Victim Witness Issues.

**Training:** Each year, the LECC, acting through the U.S. Attorney’s Office (USAO/LECC), coordinates between Indian Country Intelligence Network (ICIN) and members of Arizona’s tribal criminal justice agencies. And, each year, the USAO/LECC, together with its federal and tribal law enforcement partners, develops and administers a training curriculum that is shaped by the needs of the law enforcement community and the prosecutors. Our goal is to share the information that will help us meet our joint law enforcement responsibilities

**Gangs and the Effect of Gangs in Indian Country:** The USAO/LECC worked with Arizona Indian tribal law enforcement, the Rocky Mountain Information Network and the Arizona Department of Public Safety GITEM to develop a training curriculum to address problems associated with gangs in Indian Country. The First Annual Tribal Gang training was held at the Apache Gold Convention Center in San Carlos, Arizona, April 19-21, 2005. The training curriculum was approved by the ICIN and included segments on law enforcement issues and drug prevention efforts. Its goal was to address:

*[T]he increasing levels of street gang violence, related drug trafficking and the impact of prison gang members to the Indian communities in Arizona, a grassroots multi-agency initiative was developed to train front line police personnel, social service providers and our tribal leaders with current and accurate information on the impact of these negative factors and how to respond.*



## ***Law Enforcement Coordinating Committee***

District of Arizona

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The planning committee worked to address the overall specific negative affects of these gangs, while distinguishing the unique differences experienced by rural and urban Indian reservation communities.

**Federal Criminal Procedure and Report Writing:** In March, 2005, a two-day training was offered in Northern and Central Arizona on Federal Criminal Procedure and Criminal Report Writing. The first day focused on Federal Criminal Procedure and gave attendees an overview of the various federal rules and laws that must be followed in any federal investigation and prosecution. Special emphasis was placed on the local rules of practice in Arizona Federal District Court. The afternoon Criminal Report Writing session focused on the required information that should be included in any written police report. Emphasis was placed on how a well-written police report can positively or negatively impact and enhance the overall presentation of a case and the subsequent prosecution of the offender.

**Grant Writing, Oversight and Reporting:** At the request of several Indian tribal officials, a second day of training on Grant Writing and Grant Oversight/Reporting was also offered at both locations. However, due to a low response, the two classes were combined into one session along with other state and local law enforcement. Speakers were brought in from federal agencies in Washington, D.C. and their presentation gave attendees an understanding of where to go to look for federal grants, as well as how to write a grant. The second portion of this training addressed oversight and reporting requirements that are necessary when an agency accepts a federal grant.

**Weed and Seed:** The Navajo Nation took a proactive approach to the influence of drugs in their communities. The USAO/LECC Community Outreach Staff successfully assisted the Navajo Nation in its efforts to become an Officially Recognized (OR) Weed and Seed Site. Weed and Seed is a community driven strategy that assists an area in addressing “Weeding” where law enforcement agencies and prosecutors cooperating in “weeding out” criminals from the target area — and “Seeding” where neighborhoods use prevention, intervention, treatment and neighborhood revitalization to address “seeding in” crime prevention in crime ridden neighborhoods. Law enforcement remains the strong component in this strategy. Congratulations Navajo Nation!

Currently, our Community Outreach Staff is assisting numerous neighborhoods throughout Arizona in their efforts to also become an Officially Recognized Weed and Seed Site. These efforts include the White Mountain Apache Tribe and Yavapai Apache Nation. If you are interested in finding out more about the “Weed and Seed” strategy, please call Carla Friestad at (602) 514-7573 or toll free at 1-800-800-2570.





## **CIVIL DIVISION**

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The lawyers in the Civil Division represent the United States in all civil litigation arising in Arizona U.S. District Court and Arizona State Courts in which the United States and its interests, agencies and employees are involved. The Civil Division is staffed by fourteen Assistant United States Attorneys (AUSAs) in Phoenix and six in Tucson. Five AUSAs work in the Affirmative Civil Enforcement Section where the United States is a plaintiff prosecuting cases on its behalf to secure monetary, injunctive or other affirmative relief. The remaining fifteen AUSAs are assigned to the Defensive Section defending actions brought against the United States, its agencies or its employees.

Most civil litigation involving Indian Country arises under the Federal Tort Claims Act ("FTCA"), principally due to the Congressional extension of FTCA coverage to tribes, tribal organizations and/or tribal employees under the Indian Self-Determination Act ("ISDA") and the Tribally Controlled Schools Act of 1988. Certain tort claims, resulting from the performance of former BIA and IHS functions such as law enforcement, inmate detention or the provision of health services by an Indian tribe, tribal agencies and their employees, operating under a contract or compact, grant agreement, or any other agreement with the BIA or the IHS, must be filed as an action against the United States under the FTCA. Similarly, common law torts arising from education services provided by former BIA funded schools which elect to become a grant school pursuant to a contract with the BIA must be filed as an action against the United States under the FTCA.





## CRIMINAL DIVISION

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The work of the Criminal Division of the United States Attorney's Office is done in several offices: the Flagstaff Office makes initial charging decisions on all federal criminal offenses arising north of Yavapai County, including the Grand Canyon. Thereafter, the charged case is assigned to an Assistant U.S. Attorney (AUSA) in the Phoenix Office. In Phoenix, the Criminal Division has four sections: Violent Crime and Anti-Terrorism; White Collar Crime, Identity Theft and Postal; Organized Crime Drug Enforcement Task Force and Asset Forfeiture; and Immigration and Firearms. The Courthouse section is staffed with an AUSA who handles all preliminary matters arising in U.S. Magistrate Court. In Tucson, the Criminal Division has four sections: Organized Crime Drug Enforcement Task Force and Narcotics; Alien Smuggling; Violent Crimes, Firearms and Forfeitures; and White Collar, Public Corruption and Immigration. The Yuma Office is staffed with two AUSAs and one Special AUSA who handle drug and border crimes arising in the Southwest Arizona corridor.

**Case Summaries** - The cases listed here generally represent the types of crimes routinely referred to the office by federal and tribal law enforcement agencies. The office derives its jurisdiction to prosecute crimes in Indian Country from the *Major Crimes Act*. The Act authorizes federal jurisdiction for specific offenses arising in Indian Country and depending on the status of the offender and the victim (Indian or non-Indian). Other offenses are charged using the federal crimes of general applicability and can be charged regardless of the status of the offender or victim. The sentences listed are derived from the federal district court's application of the statutory maximum penalty assigned to each offense and a variety of aggravating and mitigating factors specific to the facts of the case.

### MURDER

**UNITED STATES v. SHAYNE BRANDON GRISHAM**

*Pending Sentencing*

Charge(s): Second Degree Murder

On August 25, 2004, Shayne Brandon Grisham was charged with Second Degree Murder. Shayne and his brother were fighting outside their parents' home when Shayne picked up a 2x4 piece of wood and began swinging it at his brother. He then dropped the wood and went into the home where he obtained a knife. He came back and stabbed his brother approximately four times. The knife blade broke off in the victim's chest. On May 17, 2005, Grisham pleaded guilty to Manslaughter. Sentencing is scheduled for November 7, 2005. The investigation was conducted by the Federal Bureau of Investigation.





## **CRIMINAL DIVISION**

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### **UNITED STATES v. JASON ALLEN BIGMAN**

*Pending Sentencing*

Charge(s): First Degree Murder and Arson

On October 16, 2004, Jason Allen Bigman was charged with First Degree Murder and Arson. He and a 17 year-old defendant decided to return a truck that had been stolen by Bigman and another individual. While in route, they decided to rob a home because they thought the occupants had a firearm. Upon gaining entry to the victim's home, they encountered a man who was asked to watch the home while the homeowners were out of town. Bigman and the juvenile assaulted the man and asked him where the firearms were located. The victim stated there might be guns in the shed. All three went out to the shed where no weapons were found. Bigman and the juvenile set the shed on fire. The victim was still alive when they left the area. The authorities were called by a citizen who saw smoke coming from the residence. Firefighters and police observed that fire had consumed the shed. While dousing the remains with water, firefighters discovered the charred remains of the victim, whose autopsy indicated that he was burned alive. On June 28, 2005, Bigman plead to Second Degree Murder. Sentencing is scheduled for November 7, 2005. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Department of Law Enforcement.

### **UNITED STATES v. GORDON MICHAEL JOSE**

*240 Months*

Charge(s): Second Degree Murder

On August 9, 2005, defendant Gordon Michael Jose, age 43, was sentenced in federal court to 240 months in federal prison. Jose pleaded guilty to Second Degree Murder on March 1, 2005 for the shooting death of the victim in 2004. On June 14, 2004, Jose was driving to the Cowlic Village on the Tohono O'odham Indian Reservation with the male victim. Jose claimed that he became involved in an argument with the victim regarding which of the two was the better medicine man. The defendant admitted that he shot the victim seven to eight times with a .45 caliber semiautomatic handgun during the argument. The crime scene investigation revealed that the victim was shot five times, including twice in the face and once in the back through the heart. The investigation also revealed, and Jose admitted, that he was moving toward the victim as he fired the shots. The defendant contacted law enforcement following the shooting. The investigation was conducted by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

### **UNITED STATES v. CHRISTOPHER CRUZ**

*25 Years*

Charge(s): Second Degree Murder and 924(c)

Christopher Cross, who was then 16-years-old, was originally charged with First Degree Murder for the shooting death of a 70-year-old man on the Gila River Indian





## CRIMINAL DIVISION

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Reservation. The defendant wanted the victim's car or his money and the victim refused. Cruz shot the victim twice, causing his death. Cruz waived his right to be tried as a juvenile and pleaded guilty to Second Degree Murder and 924(c). On July 14, 2005, he agreed to be sentenced to 25 years in prison. Sentencing is set for October 28, 2005. The investigation was handled by the Federal Bureau of Investigation and the Gila River Police Department.

### **UNITED STATES v. KEVIN DELOWE**

*Pending Sentencing*

Charge(s): Second Degree Murder

Kevin Delowe was one of a group of men who assaulted and stabbed an adult Indian male, causing his death. Three other persons were originally charged with the offense. About one week before the trial of one defendant, a witness talked about this defendant also being present during the homicide and helping the group dispose of the body. The defendant pleaded to Second Degree Murder on August 8, 2005. Sentencing is set for October 24, 2005. The investigation was conducted by the Federal Bureau of Investigation and the Gila River Police Department.

### **UNITED STATES v. JOHN DOE**

*Until Age 20*

Charge(s) Second Degree Murder

This 16-year-old juvenile defendant and other adult co-defendants were charged with First Degree Murder and other crimes related to the beating and stabbing death of an adult male. The group beat and pistol whipped the victim, forced him to clean up his own blood and then stabbed him in excess of 100 times. The juvenile pleaded guilty to Second Degree Murder on October 1, 2004, and testified against an adult co-defendant. On May 16, 2005, the juvenile was sentenced to prison to age 20. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

### **UNITED STATES v. JOHN DOE**

*Pending Sentence*

Charge(s): First Degree Murder

This 14-year-old juvenile was upset with his cousin and chased after him with an AK-47. The juvenile shot and struck the cousin, wounding him. The shots also hit a bystander, who was killed by the bullets. On September 19, 2005, the juvenile pleaded guilty to First Degree Murder and detention to age 21. Sentencing is currently set for November 16, 2005. The investigation was conducted by the Federal Bureau of Investigation and the Gila River Police Department.





## CRIMINAL DIVISION

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### **UNITED STATES V. LAWRENCE JACKSON**

*Life*

Charge(s): First Degree Murder

Lawrence Jackson and other co-defendants were charged with First Degree Murder and other crimes related to the beating and stabbing death of an adult male. The group pistol whipped the victim and stabbed him in excess of 100 times. Jackson went to trial and was convicted of all counts. On March 21, 2005, he was sentenced to life in prison. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

### **UNITED STATES v. WALTER JUSTIN**

*255 Months*

Charge(s): Second Degree Murder and 924(c)

Walter Justin was charged with First Degree Murder and other offenses for the shooting death of an adult male. Justin alleged that he shot the victim because of the victim's assaults on the defendant's sister (the victim's girlfriend). Justin pleaded guilty on October 14, 2004. He was sentenced to 255 months in prison and 5 years supervised release on January 11, 2005. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

### **UNITED STATES v. JOSEPH SANTOS**

*Pending Sentencing*

Charge(s): Attempted First Degree Murder

Joseph Santos and a co-defendant beat and stabbed a Mexican male. The two bound the victim with telephone cords and wrapped him in sheets and bags and transported him to a remote area of the desert. While in the desert, this defendant took a knife and cut the victim's throat. Santos was interviewed and admitted to his involvement and lead police to the victim's body. The victim was still alive, had bitten through the ligatures and had dragged himself to a location under a bush. On September 20, 2005, Santos pleaded guilty to Attempted First Degree Murder. Sentencing is currently set for December 5, 2005. The investigation was handled by the Federal Bureau of Investigation and the Gila River Police Department.

### **UNITED STATES v. CLIFFORD CODA SMITH**

*22 Years*

Charge(s): Second Degree Murder

Clifford Coda Smith and other co-defendants were charged with First Degree Murder and other crimes related to the beating and stabbing death of an adult male. The group pistol whipped the victim and stabbed him in excess of 100 times. Smith pleaded guilty to Second Degree Murder and on June 13, 2005, was sentenced to 22 years in prison. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.





**UNITED STATES v. DARLENE IGNACIO**

***70 Months***

Charge(s): Second Degree Murder

On December 23, 2002, the defendant, Darlene Ignacio, and the victim, her husband, Marlon Leon, began drinking alcohol at a residence in Sells on the Tohono O'odham Indian Reservation. In the early morning hours of December 24, 2002, the defendant and the victim became involved in an argument and went outside their house. A short time later the defendant came back inside. The daughter of the defendant and the victim found the victim Marlon Leon lying on the ground with a stab wound to his chest. The victim died at the scene from the stab wound. The defendant pleaded guilty to Second Degree Murder. She was sentenced to 70 months on August 10, 2005. The investigation was conducted by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

**UNITED STATES v. CLARENCE E. MOLINA**

***168 Months***

Charge(s): Second Degree Murder and Assault with Dangerous Weapon

On July 5, 2001, the defendant, Clarence E. Molina, was at the residence of the first victim, in Santa Rosa Village on the Tohono O'odham Indian Reservation. He was asked to leave the residence but refused. The defendant was then physically removed from the residence. A short time later, the defendant returned with a knife and stabbed the first victim. The victim's brother became aware of the assault and came to his aid. The defendant then got into a fight with the second victim, who also was trying to make him leave the area. During the fight, the defendant stabbed the second victim in the chest. As a result of that injury, the second victim bled to death at the scene. Molina pleaded guilty to Second Degree Murder and Assault with a Dangerous Weapon. On February 3, 2005, the defendant was sentenced to 168 months. The investigation was conducted by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

**MANSLAUGHTER**

**UNITED STATES v. THEODORE CIENFUEGOS**

***50 Months***

Charge(s): Involuntary Manslaughter and Assault

On September 22, 2004, Theodore Cienfuegos of Globe, Arizona, pleaded guilty to Involuntary Manslaughter and Assault Resulting in Serious Bodily Injury in federal district court in Phoenix. He was sentenced on January 18, 2005, to 50 months imprisonment. At sentencing, the court denied the government's request for restitution that included lost future income. The denial of the request for lost future income is now pending appeal with the Ninth Circuit Court of Appeals. Cienfuegos had been charged with Second Degree Murder,





## CRIMINAL DIVISION

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Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury. Involuntary Manslaughter is a lesser included offense of Second Degree Murder. The defendant was convicted of killing the victim by running over her with his car in an area of the San Carlos Apache Indian reservation known as the Windmill. The investigation in this case was conducted by the Federal Bureau of Investigation and the Bureau of Indian Affairs Office of Law Enforcement Services.

**UNITED STATES v. LEO AVERY**

***18 Months***

Charge(s): Involuntary Manslaughter and Aggravated Assault

Charges were filed on April 13, 2004, against Leo Avery who was driving while intoxicated and hit a girl who was walking alongside the roadway, killing her. The defendant pleaded guilty on August 24, 2004. On March 3, 2005, Avery was sentenced to 18 months prison and 3 years supervised release. The investigation was handled by the Gila River Police Department.

**UNITED STATES v. CHRISTOPHER CROSS**

***13 Months***

Charge(s): Involuntary Manslaughter

Charged were filed on April 4, 2001, against defendant Christopher Cross. He was arrested on September 8, 2004. Cross, who was driving while intoxicated, caused a vehicle accident and the death of a passenger. On February 14, 2005, The defendant was sentenced to 13 months in prison, followed by 3 years of supervised release. The investigation was handled by the Gila River Police Department.

**UNITED STATES v. KEVIN JOSE**

***36 Months***

Charge(s): Involuntary Manslaughter

Kevin Jose was with a minor female when he shot and killed her with a gun. The evidence showed that the Jose believed the gun was not loaded when he pulled the trigger. The defendant pleaded guilty on December 9, 2004. On May 5, 2005, Jose was sentenced to 36 months prison and three years supervised release. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

**UNITED STATES v. RYAN LEWIS**

***Pending Sentencing***

Charge(s): Involuntary Manslaughter

Ryan Lewis was driving intoxicated and erratically as he was trying to flee from the police. A 13-year-old boy was also a passenger in the vehicle. The defendant's intoxication and erratic driving caused him to flip his vehicle, resulting in severe injuries to the boy. Charges were filed on April 28, 2004. The boy eventually died from his injuries. The





## CRIMINAL DIVISION

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defendant pleaded guilty to Involuntary Manslaughter on July 29, 2005. Sentencing is currently set for November 28, 2005. The investigation was conducted by the Gila River Police Department.

### ASSAULT

#### **UNITED STATES v. PASCAL LUZ**

***30 Months***

Charge(s): Assault with a Dangerous Weapon

On October 21, 2004, Pascal Luz of Gu Vo Village on the Tohono O'odham Nation was sentenced by a federal court to 30 months in prison. Luz was convicted by a federal jury of Assault with a Dangerous Weapon on August 4, 2004. The evidence at trial showed that in the early morning hours of March 29, 2000, Luz beat the victim with his hands, causing a bloody nose, bruises to her chin, abdomen, both breasts and arms. He then pulled a knife, placed it on her throat and threatened to kill her. During the assault, he cursed at her and called her names. Upon release from federal custody, Luz will be placed on supervised release for 36 months. As conditions of his supervised release, he is to participate in both substance abuse and mental health treatment. He is also directed to complete an anger management program and prohibited from the consumption of alcohol. The investigation in this case was conducted by the Tohono O'odham Nation Police Department and the Federal Bureau of Investigation.

#### **UNITED STATES v. JEFFERSON NEZZIE**

***10 Months***

Charge(s): Assault on a Federal Officer

On December 15, 2004, Jefferson Nezzie was charged with Assault on a Federal Officer. A Navajo Police Officer received a walk-in complaint from the victim who reported a domestic violence episode with her husband, Nezzie. She requested an officer to escort her back to the home to retrieve some personal items. The Officer encountered Jefferson, who appeared intoxicated, at the front entrance of the home. When the Officer informed him he was under arrest, Jefferson became noncompliant and resistant. While the Officer attempted to restrain him, Jefferson ignored the commands to put his hands behind his back. He threatened to kill the Officer and called for his dogs to attack him. Jefferson sat on the Officer and angrily cursed at him, while repeatedly punching him in the face. Nezzie's wife stepped in and pushed Jefferson off of the Officer, whose injuries included abrasions to the left temple, forehead and bruising to his left eye. On June 1, 2005, Nezzie plead to Resisting a Federal Officer. He was sentenced on August 24, 2005 to ten months in prison followed by three years probation. The investigation was conducted by Federal Bureau of Investigation and the Navajo Department of Law Enforcement.





## CRIMINAL DIVISION

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### **UNITED STATES v. JOHNATHAN TSOSIE**

*Time Served*

Charge(s): Assault with a Dangerous Weapon

On June 2, 2004, Johnathan Jacob Tsosie was charged with Assault with a Dangerous Weapon with Intent to do Bodily Harm for assaulting a Navajo Department of Law Enforcement Police Officer with a double-bladed axe. Officers responded to a call that Tsosie was attempting to commit suicide and had fired approximately three rounds at another individual. The officers made contact with Tsosie and followed him into a wash. He refused the officers' commands to drop the axe and knife he was carrying. Tsosie then approached the victim officer with the axe raised over his head, as if readying to throw the axe. The officer shot Tsosie once in the abdomen ending the altercation. On February 9, 2005, the defendant plead guilty to Simple Assault, a Class B misdemeanor and lesser included charge of Count 1 of the indictment. On February 9, 2005, he was sentenced to time served. The investigation was conducted by Federal Bureau of Investigation.

### **UNITED STATES v. CALVIN CLARK**

*41 Months*

Charge(s): Assault Resulting in Serious Bodily Injury

On November 23, 2004, Calvin Clark was charged with Assault with a Dangerous Weapon. Navajo Nation Police responded to a home where an officer observed a male lying on the ground, with severe burns to his upper body and right arm. Subsequent medical examination showed that the victim had been assaulted and had second and third degree burns over 20% of his body. Clark was arrested on the scene for outstanding warrants. On April 28, 2004, Clark plead to Assault Resulting in Serious Bodily Injury. Defendant was sentenced on August 29, 2005 to 41 months. The investigation was conducted by the Navajo Department of Criminal Investigation and the Federal Bureau of Investigation.

### **UNITED STATES v. JULIAN BEGAY**

*23 Months*

Charge(s): Assault Resulting in Serious Bodily Injury

A criminal complaint was filed against Julian Marcus Begay charging him with Assault. A Navajo Police Department officer was dispatched to a house where he made contact with Begay and a female. The officer arrested both of them for public intoxication, but noted that the female had a blackened eye, swelling on her face and difficulty getting up. After initially saying she had been beaten by unknown individuals, she later said it was Begay who caused the injuries. The injuries included severe pain and bruising to her left side and lower back, a swollen left eye, bruised and swollen face, hematomas on her scalp, a fractured rib, and fractures to part of the vertebrae. On March 10, 2005, Begay plead guilty to Aggravated Assault. He was sentenced to 27 months prison and three years on supervised release. The investigation was conducted by the Navajo Department of Criminal Investigation.





## CRIMINAL DIVISION

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### **UNITED STATES v. LORETTA WAUNKA**

***24 Months***

Charge(s): Aggravated Assault

A criminal complaint was filed against Loretta Jean Wauneka charging her with Assault Resulting in Serious Bodily Injury. According to the complaint, Loretta Wauneka went to her mother's house. Two others were also present. Loretta and her mother began a physical altercation. One of the individuals present broke up the fight and Loretta left the residence. Some time later she returned with her husband. Loretta and her husband started arguing. Loretta slapped him and went into the kitchen and retrieved a knife. She stabbed her husband in the back. The two continued arguing and Loretta stabbed him in the face. He was taken to the emergency room by his juvenile daughter. The stab wound to his face severed his left orbicular artery and went into his oral cavity. On May 3, 2005, Wauneka plead guilty to Aggravated Assault. She was sentenced on September 12, 2005, to 24 months. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. FRANCIS JIM**

***34 Months***

Charge(s): Assault Resulting in Serious Bodily Injury and Sexual Assault

On October 26, 2004, Francis Jim was charged with Assault Resulting in Serious Bodily Injury and Aggravated Sexual Abuse. During an interview with law enforcement, a woman advised that her husband had called her at work, informing her that he had received a phone call that claimed she was "messaging" around with someone. Later that day she and Jim returned to their residence where she explained she was "just partying" with the man. Throughout the night he choked, kicked, hit, and pushed her and swung a knife around and started a chainsaw to threaten her. In addition to the beatings, he engaged in non-consensual sexual intercourse with her. The next day she was taken to the hospital. She told law enforcement she did not try to flee the residence because she was scared of Jim. On March 21, 2005, Jim pleaded to Assault Resulting in Serious Bodily Injury; he was sentenced on July 29, 2005, to 34 months. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. DONOVAN BILLY**

***1 Year Probation***

Charge(s): Assault Resulting in Serious Bodily Injury

A criminal complaint was filed against Donovan Billy charging him with Assault. Billy was at the home of his father cooking dinner with other family members. A neighbor and a friend, arrived carrying half a bottle of vodka. The neighbor became upset when no one would take him to the liquor store. Billy told him to leave, and the neighbor threw the vodka bottle against the wall. While Billy and his brother escorted the neighbor from the home, the neighbor "threw an elbow" and continued to throw punches at Billy and his brother. Billy





## **CRIMINAL DIVISION**

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and his brother turned to go back to their residence, but the neighbor began insulting them and throwing rocks. Billy became mad and started beating on the neighbor who was intoxicated and unable to defend himself. As a result, the victim suffered from memory loss and a loss of balance. On April 11, 2005, Billy plead to Assault and was sentenced on June 6, 2005, to one year probation and restitution. The investigation was conducted by the Federal Bureau of Investigation and the Navajo Department of Criminal Investigation.

### **UNITED STATES v. GERALD GORMAN**

*27 Months*

Charge(s): Assault Resulting in Serious Bodily Injury

A criminal complaint was filed against Gerald Gorman charging him with one count of assault resulting in serious bodily injury. The complaint stems from an incident where the defendant threw a bottle at the victim's eye. The victim had to undergo two surgeries to try and save his eye. On April 26, 2005, Gorman plead to Assault Resulting in Serious Bodily Injury. He was sentenced on September 21, 2005, to 27 months. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. BYRON TSO**

*147 Months*

Charge(s): Assault with a Dangerous Weapon

On April 25, 2004, Byron Tso was charged with Assault with a Dangerous Weapon. The two victims and several others, including children, drove to the Conoco Store in Pinon, Arizona. One victim exited his vehicle and saw his cousin being assaulted by a group of Indian males. Melton tried to intervene, at which time Tso retrieved a rifle from his vehicle. The victim grabbed the barrel of the rifle and held it down toward the ground. Tso fired the rifle and the bullet struck the ground. Tso then walked over to victim's vehicle in which a female was sitting. He fired the rifle toward the vehicle, hitting the passenger on the left side of her torso. On November 3, 2004, Tso plead guilty to Assault Resulting in Serious Bodily Injury and Discharging a Firearm in Relation to a Crime of Violence. He was sentenced on April 7, 2005, to 147 months. The investigation was conducted by the Federal Bureau of Investigation and Navajo Nation Department of Criminal Investigation.

### **UNITED STATES v. MICHAEL RAY TSINGINE**

*52 Months*

Charge(s): Assault with a Dangerous Weapon  
and Assault Resulting in Serious Bodily Injury

On May 5, 2004, Michael Ray Tsingine was charged with assaulting his wife. Tsingine allegedly accused his wife of lying about her relationship with a co-worker. He pushed her out the back door and threw her to the ground, then kicked and punched her in the sides and head. He beat her with a piece of pipe about the head, then choked her and kicked





## CRIMINAL DIVISION

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her in the side of the head, the ears, legs and arms. Three days later, Michael again questioned her about the co-worker, and told her that if she did not tell him the truth he would think about it all day and get angrier. After he left for work, the victim asked Michael's mother to take her to a domestic violence shelter. At the shelter, she was taken for medical treatment and law enforcement was notified. Her injuries include a broken back and a bruise to the liver that could result in internal bleeding. She required surgical drainage of her ears to prevent deformations, and she had hemorrhages in her eyes. On the victim's right flank and on the left side of her neck appeared to have boot prints. On May 13, 2005, Tsingine plead guilty to Assault Resulting in Serious Bodily Injury. He was sentenced on July 25, 2005 to 52 months. The investigation was conducted by the Federal Bureau of Investigation and Navajo Department of Criminal Investigation.

### **UNITED STATES v. RONALD DUWYENIE**

***43 Months***

Charge(s): Assault Resulting in Serious Bodily Injury

Ronald Duwyenie was charged with assaulting the victim with a dangerous weapon with intent to do bodily harm. The victim sustained several stab wounds and lost a lot of blood. His injuries included stab wounds to the left shoulder/bicep, left lower back, abdomen, and right chest. He also had numerous stab wounds to the right hand, including a through and through stab wound. On January 24, 2004, Duwyenie plead guilty to Assault Resulting in Serious Bodily Injury. He was sentenced on February 24, 2005, to 43 months. The investigation was conducted by the Bureau of Indian Affairs Division of Law Enforcement.

### **UNITED STATES v. BRENT HATATHLIE**

***27 Months***

Charge(s): Assault with a Dangerous Weapon

On June 12, 2004, Brent Aaron Hatathlie was charged with assaulting four individuals, including a minor, with a dangerous weapon, with the intent to do bodily harm. Hatathlie, with friends, came to one of the victim's homes and asked to see her son. It appeared to the homeowner that Hatathlie and his friends were drinking. They were yelling loudly. Her son was not home. When she asked him to leave, Hatathlie threw a beer at the house. Three of his friends approached, one of whom was carrying a baton. Hatathlie threw a bicycle at the plexiglass window. The minor victim started to dial the police, but Hatathlie struck her on the face with his forearm, then on the forehead with a "pole," causing her to drop to her knees. A male came to their aid with his brother, who was hit in the shoulder with the bar. Hatathlie hit the home owner in the leg with the pole, and her son in the left knee and forearm. The minor victim received two sets of stitches for her injuries, one under the skin. She was struck so hard that her muscles were crushed in the area of the injury. On December 9, 2004, Hatathlie plead guilty to Assault with a Dangerous Weapon. He was





## **CRIMINAL DIVISION**

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sentenced on May 14, 2005, to 27 months. The investigation was conducted by the Federal Bureau of Investigation and Navajo Nation Department of Criminal Investigation.

### **UNITED STATES v. FRANKLIN JONES**

*Pending Sentencing*

Charge(s): Assault Resulting in Serious Bodily Injury  
Use of a Firearm During a Crime of Violence

On September 23, 2004, Franklin Jones, was charged with assaulting the victim with a dangerous weapon, a gun, with intent to do bodily harm. The victim received a gunshot wound to the right forearm that significantly damaged the bone. On January 19, 2005, Jones plead guilty to Assault Resulting in Serious Bodily Injury. Sentencing is set for October 31, 2005. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. MICHAEL MARTINEZ**

*33 Months*

Charge(s): Assault with a Dangerous Weapon

An indictment was filed on November 17, 2004 against Michael Martinez, Jr., of the Navajo Indian Reservation. The indictment charged Martinez with Assault with a Dangerous Weapon. The victim was walking home when a vehicle pulled up and two males exited and walked toward him. One of the men asked the victim if he wanted to purchase some beer and he replied that he did not. Martinez produced a knife and stabbed the victim in the chest. Navajo Nation Public Safety officers responded, but one left the scene to respond to another call. While en route, he observed a vehicle driving erratically and conducted a traffic stop. The officer observed that the occupants matched the description of the stabbing suspects given by the stabbing victim. The driver was arrested for driving under the influence of alcohol. The passenger, identified as Michael Martinez, Jr., was arrested for public intoxication. A knife was found in the vehicle, and the victim identified the driver and Martinez as the men who had approached him. Martinez plead guilty on March 8, 2004, to Assault with a Dangerous Weapon. He was sentenced to 33 months on June 13, 2005. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. SHAWN WHITEHAT**

*24 Months*

Charge(s): Assault Resulting in Serious Bodily Injury

A criminal complaint was filed against Shawn Henry Whitehat charging him with Assault. A Navajo Department of Public Safety Officer responded to a domestic disturbance, and observed Whitehat at the side of the road attempting to assault members of his family. The officer approached Whitehat and told him he was going to be taken into custody. Whitehat responded by shoving the officer causing him to stumble and fall on his left arm/wrist, causing a fracture to the left radius and requiring surgery. On February 25, 2005,





## CRIMINAL DIVISION

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Whitehat plead guilty to Assault Resulting in Serious Bodily Injury. He was sentenced on September 6, 2005, to 24 months. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. ARNOLD DAW**

***57 Months***

Charge(s): Assaults

On December 2, 2004, Arnold Daw was arrested for assault with a dangerous weapon and assault resulting in serious bodily injury. A group of individuals, the victim and Daw were together, drinking. Later, as they drove to a cookout with others, the victim hit one member of the group in the head. Allegedly, when the victim refused to stop hitting the individual, Daw told the victim to stop the truck. When they stopped, Daw began beating the victim, then stabbed him with a knife. When Daw's cousin attempted to help the victim, she was pushed away by Daw. The victim's throat allegedly was cut by Daw. He was treated for fourteen stab and/or slash wounds, one of which punctured his lung. On July 19, 2005, Daw pleaded guilty to Assault Resulting in Serious Bodily Injury. He was sentenced on September 19, 2005, to 57 months with credit for time served and \$58,377.55 restitution. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. ALFRENDOE DAVIS**

***Two Years Probation***

Charge(s): Assault

On January 28, 2005, Alfrendoe Ira Davis was charged with Assault. A female contacted the Navajo Nation Police and reported that her son, Davis, had beaten his father. According to the female, while her ex-husband was at her residence to visit, he and Davis began to fight. During the altercation, Davis hit his father with a bottle and a log. Medical personnel advised that the victim was treated for a serious laceration to the front of the head and a laceration to the back of the head. Davis admitted assaulting his father, but blamed the incident on his father, stating that the father repeatedly beat his mother. The father told law enforcement he was afraid of his son because he takes drugs and beats him up. On February 22, 2005, Davis pleaded to Assault with a Dangerous Weapon. He was sentenced to two years probation on May 4, 2005. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. KENNY BEGAY**

***48 Months***

Charge(s): Assault Resulting in Serious Bodily Injury

On November 21, 2004, Kenny C. Begay was charged with Assault Resulting in Serious Bodily Injury. According to the complaint, Begay was drinking with his brother and their uncle. They continued to drink when they awoke early the next morning. At some





## CRIMINAL DIVISION

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point, Kenny began arguing with the victim and picked up a hatchet and swung it at his legs. The victim sustained a broken bone in his lower left leg and a laceration to the calf that required eleven stitches. He was also treated for a laceration over his left ear that required three stitches. On March 11, 2005, Begay pleaded guilty to Assault Resulting in Serious Bodily Injury. He was sentenced on October 3, 2005, to 48 months with credit for time served and \$6,633.18 in restitution. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. GABRIEL CARRILLO**

***46 Months***

Charge(s): Assault Resulting in Serious Bodily Injury

Gabriel Carrillo assaulted an elderly male who was in a wheelchair. The defendant stabbed the victim as he had fallen out of his chair. Charges were filed on September 16, 2004. The defendant pleaded guilty to Aggravated Assault and was sentenced on May 23, 2005, to 46 months prison and 3 years supervised release. The investigation was handled by the Gila River Police Department.

### **UNITED STATES v. JESSE ROBLES**

***57 Months***

Charge(s): Aggravated Assault

Defendant Jesse Robles was upset with the victim because the victim had previously reported the defendant to police for a car theft. Robles stabbed the victim. Charges were filed on March 2, 2005. Robles was convicted at trial and on June 8, 2005, was sentenced to 57 months in prison. The investigation was handled by the Gila River Police Department.

### **UNITED STATES v. JEREMY THOMPSON**

***7 Years***

Charge(s): Aggravated Assault

Defendant Jeremy Thompson and the co-defendant, his father, beat on the victim (the boyfriend of the defendant's mother) with a golf club and ax. Thompson pleaded guilty and on February 14, 2005, he was sentenced to 7 years prison. The investigation was handled by the Gila River Police Department.

### **UNITED STATES v. JOHNATHAN THOMPSON**

***3 Years***

Charge(s): Aggravated Assault

Defendant Johnathan Thompson and the co-defendant, his son, beat on the victim (the boyfriend of the defendant's ex-wife) with a golf club and ax. Thompson pleaded guilty and was sentenced on June 14, 2005, to 3 years prison and 3 years supervised release. The investigation was handled by the Gila River Police Department.





## **CRIMINAL DIVISION**

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### **UNITED STATES v. JOHN DOE, aka D.D.A.**

***23 Months***

Charge(s): Juvenile Delinquency  
(various assaults, use of a firearm, etc.)

On June 29, 2005, the U.S. Attorney's Office, Tucson Criminal Division, filed a juvenile information, along with a certification, alleging 17 acts of juvenile delinquency. On December 9, 2004, on the Tohono O'odham Indian Nation, the then 13-year-old juvenile is alleged to have taken a .22 caliber rifle and shot at a school bus occupied by the driver and 17 children. The bullet penetrated the glass of the door of the school bus, spraying glass on some children seated nearby, and was eventually lodged in the interior of the bus just above the head of the bus driver. The alleged acts of juvenile delinquency include several assaults with a dangerous weapon and several assaults on children under the age of 16 years, in addition to the possession and discharge of a firearm on school grounds. The juvenile admitted seven acts of delinquency, stemming from charges relating to discharging a firearm on school grounds and six counts of aggravated assault with a deadly weapon. On September 19, 2005, the juvenile was sentenced to 23 months of juvenile supervision, to be followed by five years of juvenile supervision. Effectively, the juvenile will either be in detention or in supervision until the age of 21. The investigation is being handled by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

### **UNITED STATES v. LARRY PABLO**

***33 Months***

Charge(s): Assault with a Dangerous Weapon and  
Assault Resulting in Serious Bodily Injury

On November 28, 2001, the defendant, Larry Pablo, attended a party at a residence at the Anegam Village on the Tohono O'odham Indian Reservation. The defendant became angry at the victim, a 17-year-old female, and stabbed her with a knife in the neck and shoulder. As a result of this injury, the victim bled profusely. The defendant then fled the area and disposed of the knife. He pleaded guilty to Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury. The defendant was sentenced on November 10, 2004, to 33 months. The investigation was conducted by the Federal Bureau of Investigation and the Tohono O'odham Police Department.

### **UNITED STATES v. RYAN ESWONIA**

***60 Months***

Charge(s): Assault With a Dangerous Weapon

On August 25, 2004, Ryan Eswonia, a member of the Colorado River Indian Reservation, was indicted for Assault with a Dangerous Weapon. He fired a shotgun loaded with birdshot at individuals with whom he had been involved in a verbal exchange. The defendant was arrested on December 25, 2004. On March 15, 2005, Eswonia pleaded guilty to assault with a dangerous weapon. On August 1, 2005, he was sentenced to 60 months





## **CRIMINAL DIVISION**

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imprisonment and three years supervised release. The investigation was conducted by the Bureau of Indian Affairs.

### **UNITED STATES v. LUIS VALENCIA**

***37 Months***

Charge(s): Assault Resulting in Serious Bodily Injury

On April 29, 2005, Valencia, a member of the Colorado River Indian Reservation, pleaded guilty to Assault Resulting in Serious Bodily Injury. Valencia physically assaulted his girlfriend on two occasions. Valencia beat the victim on two occasions which caused extreme swelling to her face, bleeding from her ear, and extreme pain. On July 11, 2005, he was sentenced to 37 months imprisonment and 3 years supervised release. The investigation was conducted by the Bureau of Indian Affairs.

## **SEX OFFENSES**

### **UNITED STATES v. RODNEY MICHAEL SALVICIO**

***97 Months***

Charge(s): Aggravated Sexual Abuse by Force

On November 29, 2004 a federal judge sentenced Rodney Michael Salvicio, of Sells, Arizona, to 97 months in prison. Salvicio pleaded guilty to Aggravated Sexual Abuse by force. On March 22, 2002, the defendant, who had been drinking alcohol, forced his way into the victim's home and forced intercourse with the victim against her will. The victim reported that the defendant had forcibly engaged in intercourse with her several times before. After completing his prison sentence, Salvicio will be placed on supervised release for a period of five years with stringent sex offender supervision conditions. These include the requirement that he register as a sex offender, that he participate in psychological counseling and monitoring for compliance, and that he not have unsupervised contact with minors under the age of 18. Salvicio will also be required to reside in a community corrections center for up to one year after he is released from custody. The investigation in this case was conducted by the Tohono O'odham Police Department and the Federal Bureau of Investigation.

### **UNITED STATES v. STANFORD JAMES**

***136 Months***

Charge(s): Aggravated Sexual Abuse of a Minor

On September 1, 2004, Stanford James was charged with Aggravated Sexual Abuse of a Minor by engaging in or attempting to engage in a sexual act with a minor victim who has not attained the age of 12 years. The victim was sent to get James because it was time to eat. When she got to his house, he pulled her into the bedroom and had sexual intercourse





## **CRIMINAL DIVISION**

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with her. She tried to get away, but James was too strong and would not let her. She told her mother what had happened and police were called. On April 21, 2005, James pleaded to Aggravated Sexual Abuse of a Minor. On September 26, 2005 he was sentenced to 136 months. The investigation was conducted by the Navajo Department of Public Safety and Federal Bureau of Investigation .

### **UNITED STATES v. DARRELLSON DENNY**

***151 Months***

Charge(s): Aggravated Sexual Abuse

Darrellson Denny of Chinle, was sentenced October 18, 2004, to 151 months in prison to be followed by five years of supervised release. Denny had pleaded guilty on September 24, 2003, to Aggravated Sexual Abuse of a Child. Denny admitted that he sexually abused a four-year-old child while the child was sleeping. In addition to forced anal penetration, the child sustained a variety of injuries including bruises and abrasions. As a result of this conviction, Denny will be required to register as a sex offender and to comply with numerous special conditions upon release, such as submitting a DNA sample and a prohibition upon possessing pornography. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement Services.

### **UNITED STATES v. MURPHY MUZZIE**

***121 Months***

Charge(s): Aggravated Sexual Abuse of a Minor

On November 17, 2004, an indictment was filed charging the defendant with Aggravated Sexual Abuse of a Minor. The victim was interviewed by law enforcement and revealed that she had been sexually abused by Muzzie since she was “a little girl,” in about the sixth grade. Muzzie admitted having sex with the minor child victim. He told the interviewers he had intercourse with her approximately twice per month in the beginning, but “after she got used to it,” it increased to once a week. On February 15, 2005, the defendant pleaded to Aggravated Sexual Abuse of a Minor. On May 2, 2005, he was sentenced to 121 months in the Bureau of Prisons. The investigation was handled by the Navajo Department of Law Enforcement and the Federal Bureau of Investigation.

### **UNITED STATES v. JARETT ELLIOTT FRANCISCO**

***136 Months***

Charge(s): Aggravated Sexual Abuse

On January 10, 2005, defendant Jarett Elliott Francisco, age 30, was sentenced to 136 months in federal prison, followed by lifetime supervision. Francisco pleaded guilty on October 21, 2004 to one count of Aggravated Sexual Abuse. Francisco admitted that on June 27, 2004, he went to the roof of a residence in Mishongnovi Village, Arizona, on the Hopi reservation, where he encountered the victim, a female minor. The victim was asleep and when she awoke, Francisco assaulted her, choked her and attempted to shove a piece of cloth





## **CRIMINAL DIVISION**

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in her mouth. The victim struggled with him, but Francisco choked her to the point of unconsciousness, at which time he attempted to sexually assault her. The victim's mother heard noises on the roof and came up to find Francisco on top of the victim. Francisco fled and later self-surrendered. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services and the Federal Bureau of Investigation.

### **UNITED STATES v. JEFFERSON MORGAN**

***78 Months***

Charge(s): Aggravated Sexual Abuse of a Minor

On January 24, 2005, the defendant, Jefferson Morgan, age 24, was sentenced on January 24, 2005 to 78 months in prison by a federal court. Morgan pleaded guilty on October 14, 2004 to one count of Aggravated Sexual Abuse of a Minor involving fondling a five-year-old girl. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services.

### **UNITED STATES v. ALPHONSO KINZAR CARTY**

***235 Months***

Charge(s): Aggravated Sexual Abuse; Sexual Abuse of a Minor

On March 14, 2005, the defendant, Alphonso Carty, age 40, was sentenced to 235 months in federal prison. Carty had been found guilty by a federal jury on August 13, 2004, of one count of Aggravated Sexual Abuse of a Minor, three counts of Aggravated Sexual Abuse, one count of Sexual Abuse of a Minor and two counts of Abusive Sexual Contact involving an adolescent female who was between 14 and 16 years old when the offenses occurred. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Department of Public Safety, Criminal Investigations Division.

### **UNITED STATES v. NATHANIAL FABIAN FRANCISO**

***96 Months***

Charge(s): Sexual Assault

On September 3, 2004, Nathaniel Fabian Francisco, age 30, was sentenced to eight years in prison after entering a guilty plea in federal district court to Sexual Assault with the Use of Force. Francisco had been charged with Sexual Assault involving force. On February 23, 2002, the victim reported to Tohono O'odham tribal police officers that she was raped in a village in Sells, Arizona. She said that after she had been dropped off at home, the defendant approached her and greeted her. Since she did not recognize him, she turned her back on him. At that time, the defendant grabbed her, forced her against a wall and raped her. While attempting to escape, the victim was raped again. The victim was finally able to kick the defendant to get away. The investigation in this case was conducted by the Federal Bureau of Investigation and the Tohono O'odham Police Department.





**UNITED STATES v. MELVIN STEWART**

***78 Months***

Charge(s): Aggravated Sexual Abuse of a Minor

On December 13, 2004, defendant Melvin Stewart, was sentenced to 78 months in federal prison. On May 20, 2004, Stewart pleaded guilty to one count of Aggravated Sexual Abuse of a Minor. The defendant had been accused of an ongoing molestation of the minor victim. Stewart, who initially denied any contact, admitted to some of the acts described by the victim. The investigation in this case was conducted by the Navajo Department of Criminal Investigations and the Federal Bureau of Investigation.

**UNITED STATES v. SHAWN DEDMAN**

***97 Months***

Charge(s): Sexual Abuse of a Minor

A criminal complaint was filed against Shawn Enrique Dedman for Sexual Abuse of a Minor. A female brought the juvenile victim to the hospital and reported that he had been sexually assaulted by Dedman. According to the victim, while his mother was away from the home earlier that afternoon, Dedman took him into a hogan and sexually assaulted him. When the victim's mother returned home, he told her what had happened. She immediately took him to the hospital. Dedman admitted sexually assaulting the victim. On June 7, 2005, Dedman pled guilty to Sexual Abuse of a Minor, and was sentenced on October 11, 2005 to 97 months. The investigation was handled by the Navajo Department of Law Enforcement and the Federal Bureau of Investigation.

**UNITED STATES v. LEONARD HOT**

***30 Months***

Charge(s): Sexual Abuse of a Minor

On October 20, 2004, Leonard Hot was charged with two counts of Sexual Abuse of a Minor. The defendant admitted to having sexual intercourse with Jane Doe, age 14. On April 25, 2005, the defendant was convicted of Sexual Abuse of a Minor, and sentenced to 30 months imprisonment followed by three years supervised release. The investigation was conducted by the Federal Bureau of Investigation.

**UNITED STATES v. MARLON DICKENS**

***78 Months***

Charge(s): Aggravated Sexual Abuse

On August 5, 2004, Marlon Alonzo Dickens of Sells, Arizona, was sentenced in federal court to 78 months imprisonment to be followed by 60 months supervised release. On August 19, 2001, Dickens used force against the victim, a female minor, pinned her against a truck, and committed a sexual act. Dickens had entered a plea of guilty on April 10, 2003 to Aggravated Sexual Abuse. He was sentenced to serve 78 months in the custody of the Bureau of Prisons, and recommended that he be allowed to participate in the 500 hour substance abuse program.





## CRIMINAL DIVISION

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He was ordered to pay a special assessment of \$100.00. Upon release from prison, a five year term of supervised release is to be served. The Court ordered that the defendant reside at a halfway house or a sober living environment for up to 180 days, and to participate in substance abuse and sex offender treatment. He was ordered to have no contact with the victim and her family, and prohibited from contact with minors under 18 years of age without prior written permission of the probation officer. Dickens was also ordered to register as a sex offender upon release from prison. The investigation in this case was conducted by the Tohono O'odham Nation Police Department, and the Federal Bureau of Investigation.

### **UNITED STATES v. ANTHONY OROZCO**

*Pending Sentencing*

Charge(s): Aggravated Sexual Abuse

Anthony Arozco pleaded guilty to Aggravated Sexual Abuse for the April 4, 2002 rape of a woman that occurred in the early morning hours near San Xavier Mission on the Tohono O'odham Indian Nation. The defendant met the victim at a bar and offered to give her a ride to her home after the victim discovered she had a flat tire. The defendant raped her in his vehicle before he dropped her off near her home. The defendant is pending sentencing with a sentencing range of 60 to 108 months prison to be followed by 60 months supervised release which would include psychosexual assessment and stringent sex offender conditions. Defendant is to pay restitution. Defendant is set for sentencing November 14, 2005. The investigation was conducted by the Federal Bureau of Investigation and the Tohono O'odham Nation Police Department.

### **UNITED STATES v. DARRELL TORTICE**

*97 Months*

Charge(s): Aggravated Sexual Abuse

On August 2, 2004, Darrell Tortice was sentenced to 97 months in prison for Aggravated Sexual Abuse. On September 17, 2003, the defendant came to the victim's home after he had been out drinking with friends. The defendant and victim had been dating for several years, but were separated. They had two children together and she was pregnant with their third child at the time of the assault. The defendant suspected the victim was seeing another man and became angry. He hit her in the face, choked her and then he raped her. The investigation in this case was conducted by the Federal Bureau of Investigation and the Bureau of Indian Affairs Office of Law Enforcement Services.

### **UNITED STATES v. CARLOS BEGAY**

*180 Months*

Charge(s): Attempted Aggravated Sexual Abuse of a Minor

On March 18, 2000, the defendant was sentenced to 180 months in prison for Attempted Aggravated Sexual Abuse of a Minor, a Class A felony. On November 25, 2003, the eleven year old victim was walking home from school when she was pushed down to the





## CRIMINAL DIVISION

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ground. It was dark and she was in a wooded area. The defendant covered her face with a sweatshirt. He then pulled up her sweatshirt and began tugging on her pants. The victim recognized the defendant's voice and yelled out his name. The defendant ran after being recognized. During an interview, the defendant admitted that he was having urges due to previously watching pornography. He said that he saw a child in the woods and decided to rape the child if it was a girl. The defendant had previously been convicted of having sexual intercourse with his five year old niece in New Mexico. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

**UNITED STATES v. HERBERT BERNARD TRACEY**

***396 Months***

Charge(s): Aggravated Sexual Abuse

Defendant Herbert Tracey was sentenced on April 28, 2005, to 396 months in prison after previously pleading guilty to Aggravated Sexual Abuse involving two separate victims. Tracey physically assaulted a female in her home by hitting and kicking her. He threatened her with additional physical harm, dragged her from the residence, gagged and bound her then raped her. Tracey later accosted a woman who was jogging on the side of a road. He struck her in the back, twisted her arm, breaking it, and dragged her into the bushes where he sexually assaulted her for several hours. After the defendant left, the victim managed to get to a relative's home, where she was taken to the hospital. The defendant's description led to his apprehension and he was tied to the rape by DNA. The defendant has two prior convictions for sexual crimes. The investigation was conducted by the Federal Bureau of Investigation and Navajo Criminal Investigations.

**UNITED STATES v. JOHN DOE**

***24 Months***

Charge(s): Incest

This 16-year-old juvenile was charged with crimes arising from his sexual conduct with his juvenile sister. The juvenile pleaded guilty and on February 28, 2005, was sentenced to 24 months in prison followed by supervised release to the age of 21. The investigation was handled by the Federal Bureau of Investigations and the Ak-Chin Police Department.

**UNITED STATES v. EDWIN JUAN**

***151 Months***

Charge(s): Aggravated Sexual Abuse

Defendant Edwin Juan was charged with and pleaded guilty to Aggravated Sexual Abuse for sexual acts with a seven-year-old girl. On March 7, 2005, Juan was sentenced to 151 months prison, lifetime supervised release and sex offender registration. The investigation was handled by the Gila River Police Department.





## CRIMINAL DIVISION

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### **UNITED STATES v. ROSARIO ORTEGA**

***21 Months***

Charge(s): Sexual Abuse of a Minor

Rosario Ortega was charged with and pleaded guilty to Sexual Abuse of a Minor for having intercourse with a child over the age of 12. On January 10, 2005, Ortega was sentenced to 21 months prison, three years supervised release and sex offender registration. The investigation was handled by the Federal Bureau of Investigation and the Gila River Police Department.

### **UNITED STATES v. REYNALDO MORISTO**

***78 Months***

Charge(s): Aggravated Sexual Abuse

On June 6, 2005, Reynaldo Juan Moristo, a member of the Tohono O'odham Indian Nation, was sentenced to serve 78 months incarceration for sexually fondling and abusing a young minor female on the Tohono O'odham Indian Reservation. The period of imprisonment will be followed by five years of supervised release, which includes strict sex offender conditions and a requirement that Moristo register as a sex offender.

### **UNITED STATES v. JUAN GALINDO**

***75 Months***

Charge(s): Aggravated Sexual Abuse

Juan Alfredo Galindo, a non-Indian, was sentenced on December 1, 2004, to serve 75 months incarceration for sexually fondling a minor female member of the Pascua Yaqui Tribe. The period of imprisonment will be followed by five years of supervised release, which includes strict sex offender conditions and a requirement that Galindo register as a sex offender.

### **UNITED STATES v. JUVENILE**

***180 Days Home Confinement  
& 3 Years Probation***

Charge(s): Juvenile Delinquency/Aggravated Sexual Abuse

On May 31, 2005, the juvenile defendant from the Tohono O'odham Indian Nation was sentenced to serve 180 days home confinement and three years probation for aggravated sexual abuse on a minor female. The juvenile was charged with aggravated sexual abuse after he forced intercourse with a minor female who had been a friend. Supervision will include counseling and regular sex offender therapy. The investigation was conducted by the Federal Bureau of Investigation, Tucson Office, and the Tohono O'odham Police Department.





## **CRIMINAL DIVISION**

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### **UNITED STATES v. JUVENILE**

***Probation until age 21***

Charge(s): Juvenile Delinquency/Aggravated Sexual Abuse

On April 27, 2005, the 15 year-old juvenile defendant from the Pascua Yaqui Tribe was sentenced to supervised probation until the age of 21 for aggravated sexual abuse on two minor males. The juvenile was charged with aggravated sexual abuse after he forcibly assaulted two young males in 2003. Supervision will include stringent sex offender conditions and regular sex offender therapy. The investigation was conducted by the Federal Bureau of Investigation, Tucson Office, and the Pascua Yaqui Police Department.

### **UNITED STATES v. JESS YAZZIE**

***88 Months***

Charge(s): Aggravated Sexual Abuse

On January 7, 2004, Yazzie, a member of the Hualapai community, was indicted on charges of Aggravated Sexual Abuse. Yazzie had been accused of molesting two children. He entered a plea of guilty to Aggravated Sexual Abuse on November 2, 2004. On March 29, 2005, Yazzie was sentenced to 88 months followed by five years supervised release. The investigation was conducted by the Federal Bureau of Investigation.

### **UNITED STATES v. MICHAEL NEIL JAMES**

***60 Months***

Charge(s): Aggravated Sexual Abuse and Sexual Abuse

James, a member of the Fort Apache Reservations and several other men took the victim to an isolated location. When the victim became intoxicated, James and the other men had sex with the victim without her consent. In a separate incident, James went to an isolated location with another woman. Once there, James struck the woman and engaged in sexual intercourse with her without her consent. On September 22, 2004, James pleaded guilty to one count of Aggravated Sexual Abuse and One Count of Sexual Abuse. On May 25, 2005, he was sentenced to 121 months for the aggravated sexual abuse and 60 months for the sexual abuse. He was also sentenced to lifetime supervised release. The investigation was conducted by the Bureau of Indian Affairs and the Federal Bureau of Investigation.

### **UNITED STATES v. CLIFFORD BEGAY**

***110 Months***

Charge(s): Aggravated Sexual Abuse

On December 15, 2003, Begay, a member of the Navajo Nation, pleaded guilty to Aggravated Sexual Abuse. The victim was a woman with whom he was acquainted. Begay represented to the woman that he wanted to borrow a tool from her. He gained entry to her home and raped her. On August 30, 2004. He was sentenced to 110 months and 10 years





supervised release.. The Navajo Nation Department of Public Safety conducted the investigation.

**UNITED STATES v. ARNETTE LITTLE EAGLE JONES** *50 Months*  
Charge(s): Aggravated Sexual Abuse

Jones was indicted on July 7, 2003 for aggravated sexual abuse. A resident of Peach Springs, Jones pled guilty to Aggravated Sexual Abuse on October 4, 2004. On March 21, 2005, he was sentenced to 50 months imprisonment followed by lifetime supervised release. The investigation was conducted by the Federal Bureau of Investigation.

**UNITED STATES v. ROLAND ARMSTRONG** *48 Months*  
Charge(s): Sexual Abuse

On January 21, 2004, Armstrong, a member of the Fort Apache Indian Reservation, was indicted for sexual abuse. Armstrong and several other men went with the victim to an isolated location. Once there, the group began drinking alcohol. When the victim became intoxicated, the defendant and the others engaged in sexual acts with her. The woman was physically incapable of consenting to the conduct. On December 16, 2004, the defendant was found guilty following a jury trial. On March 23, 2005, Armstrong was sentenced to 48 months imprisonment and three years supervised release. The investigation was conducted by the Federal Bureau of Investigations.

## **SUPERVISED RELEASE VIOLATIONS**

**UNITED STATES v. NATHANIEL MULL** *14 Months*  
Current Charge: Violation of Terms of Supervised Release  
Original Charge: Assault Resulting in Serious Bodily Injury

The defendant was convicted in March 2001 of Assault Resulting in Serious Bodily Injury and was originally sentenced to 27 months in prison. The conviction arose after the defendant severely beat his wife on the side of a road and later the same day in their home. As a result of the beatings, the victim suffered a serious scalp laceration, multiple bruises about her body, and two fractures of her jaw. The victim's face was permanently disfigured as a result of her injuries. In November 2004, the defendant was sentenced to an additional 14 months in prison for failing to abide by the terms of his supervised release. This case was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services, San Carlos Apache Tribal Police Department and the U.S. Probation Office.

**UNITED STATES v. CAROL JANE HINTON** *13 Months*





## **CRIMINAL DIVISION**

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Current Charge: Violation of Terms of Supervised Release  
Original Charge: Involuntary Vehicular Manslaughter

Carol Jane Hinton was convicted in October 1998 of Involuntary Vehicular Manslaughter and was sentenced to 16 months in prison. The conviction arose after the defendant killed a teenaged passenger while driving drunk. During the 24 hours prior to the crash, the defendant drank at least six beers and smoked marijuana. The defendant was sentenced to an additional five months in prison in March 2002, and an additional six months in prison in November 2003, for failing to abide by the terms of her supervised release. In May 2005, the defendant was sentenced to 13 months in prison for failing to abide by the terms of her supervised release for the third time. The defendant ultimately received the maximum term of imprisonment available by statute for her multiple failures to abide by the terms of her supervised release. This case was handled by the Bureau of Indian Affairs Office of Law Enforcement Services, San Carlos Apache Tribal Police Department and the U.S. Probation Office.

### **UNITED STATES v. JERRY LEE HINTON**

***12 Months***

Current Charge: Violation of Terms of Supervised Release  
Original Charge: Arson

Jerry Lee Hinton was convicted in September 2000 of Arson and was originally sentenced to 24 months in prison. The conviction arose after the defendant and a cell-mate set fire to and burned part of the San Carlos Apache Law Enforcement Building and Detention Center. At the time of the fire, there were 69 inmates being held in the cellblock. The fire and smoke forced the guards at the detention center to release all of the prisoners from their cells. The defendant was sentenced to an additional six months in prison in June 2002, and additional six months in May 2003, for failing to abide by the terms of his supervised release. In July 2004, the defendant was sentenced to 12 months in prison for failing to abide by the terms of his supervised release. This defendant ultimately received the maximum term of imprisonment available by statute for his multiple failures to abide by the terms of his supervised release for the third time. This case was handled by the Bureau of Indian Affairs Law Enforcement Services and the U.S. Probation Office.

### **UNITED STATES v. FLOYD BEGAY**

***9 Months***

Current Charge: Violation of Terms of Supervised Release  
Original Charge: Involuntary Vehicular Manslaughter

Floyd Begay was convicted in October 2000 of Involuntary Vehicular Manslaughter and was originally sentenced to 10 months in prison. The conviction arose after the defendant killed a passenger while driving drunk. The passenger was the defendant's





## **CRIMINAL DIVISION**

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cousin. Within 24 hours of the accident, the defendant's blood ethyl alcohol level was determined to contain 111 mg/dl. The defendant was sentenced to an additional six months in prison in January 2002, and additional nine months in December 2003, for failing to abide by the terms of his supervised release. In September 2004, the defendant was sentenced to nine months in prison again for failing to abide by the terms of his supervised release for the third time. This defendant ultimately received the maximum term of imprisonment available by statute for his multiple failures to abide by the terms of his supervised release. This case was handled by the Navajo Department of Public Safety and the U.S. Probation Office.

### **BURGLARY, THEFT &, ROBBERY**

#### **UNITED STATES v. FERDINAND RAYMOND NOTAH**

***21 Months***

Charge(s): Theft of Public Funds

Ferdinand Notah pleaded guilty to Theft of Public Funds in federal district court in Phoenix on January 28, 2005. The indictment charged that in December, 2000, Notah was hired as Executive Director of the Four Corners Enterprise Community Corporation (4CEC), a non-profit corporation organized according to the laws of the Navajo Nation to obtain federal grants and use that money for economic development and infrastructure projects in impoverished communities within the Navajo Reservation. 4CEC had been receiving and disbursing grants for such projects from the U.S. Department of Agriculture's Rural Development program since approximately 1999. As Executive Director, Notah had access to all of 4CEC's bank accounts, which contained several hundred thousand dollars of USDA grant money that had been earmarked for development projects in the Navajo community. The indictment charged that between July 2001, and September 2002, Notah withdrew over \$177,000 from 4CEC's bank account, either at bank ATMs or at casino check-cashing facilities, and used that grant money for gambling and other personal expenses. He was sentenced on September 23, 2005, to 21 months and \$177,000 restitution. The investigation in this case was conducted by the United States Department of Agriculture's Office of Inspector General.

#### **UNITED STATES v. DAREN SIMEONA, ET AL.**

***6-57 Months***

Charge(s): Third Degree Burglary, Receiving Stolen Firearms, Felon in Possession

On December 22, 2003, the Navajo Department of Fish and Wildlife was burglarized and various items were stolen including 45 firearms. Defendants Daren Simeona and Patrick Bitsuie, Jr. used bolt cutters to cut through the padlock on the garage door of the Fish and Wildlife office. Once inside the garage, the defendants cut the padlocks on the metal cages that contained firearms. They stole the guns and proceeded to give or sell them to their





## **CRIMINAL DIVISION**

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friends, Christopher Martinez, Angelino Westbrook, Jarom Prows and Dominic Dineyazhe. A stolen gun was also sold to Marcos Fonseca, a convicted felon. The investigation revealed that defendants Simeona and Bitsuie, along with defendant Christopher Martinez, were also responsible for a burglary of the Navajo Times Office, and defendants Simeona and Martinez were responsible for a burglary of the Navajo Education Center. All defendants entered guilty pleas. Defendant Simeona was sentenced to 27 months in prison. Defendant Martinez was sentenced to 15 months in prison. Defendant Bitsuie, Jr. was sentenced to 24 months in prison. Defendants Simeona, Martinez and Bitsuie also have to pay \$14,605.74 in restitution to the victims. Defendant Fonseca was sentenced to 57 months in prison. Defendant Westbrook was sentenced to six months in prison. Defendant Prows was sentenced to two years probation. Defendant Dineyazhe was sentenced to 12 months in prison. The investigation in this case was conducted by the Federal Bureau of Investigation and the Navajo Nation Department of Law Enforcement.

### **UNITED STATES v. MARIO WHITE**

***46 Months***

Charge(s): Robbery

On July 28, 2004, his 17-year-old defendant was charged with various offenses arising from a home invasion with a gun. White pointed the gun at juveniles in the home and took property. The defendant entered a plea agreement, agreeing to be treated as an adult. White was sentenced on January 10, 2005, to 46 months in prison. The investigation was handled by the Gila River Police Department.

## **MISCELLANEOUS**

### **UNITED STATES v. JESSICA CARLOS**

***121 Months***

Charge(s): Transportation of Illegal Aliens Resulting in Death

Defendant Jessica Carlos, age 23, was sentenced to 121 months in federal prison. The defendant pleaded guilty on August 31, 2004 to Transportation of Illegal Aliens Resulting in the Death of Another Person. On March 20, 2004, on the Tohono O'odham Indian Reservation, Border Patrol agents conducted a traffic stop of a vehicle, driven by Carlos, suspected of smuggling illegal aliens. A Border Patrol agent noticed several individuals in the backseat attempting to conceal themselves and instructed Carlos to turn off the vehicle. At that time, a passenger reached for a handgun and fired at the agent through the open front driver's window, striking the agent in the right ear. Carlos restarted the vehicle and fled the scene at a high rate of speed. Border Patrol agents returned fire and gave pursuit. During the pursuit, the passenger again shot at the agents and Carlos' vehicle forced three cars off the road before crashing into a truck in Casa Grande, Arizona. Carlos





## **CRIMINAL DIVISION**

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and the passengers fled on foot but were soon apprehended. Investigators discovered three individuals in the trunk of the defendants' vehicle, one of whom was deceased. Further investigation revealed that the deceased individual was a 17-year-old male from Mexico who had been killed by a gunshot wound when the agents returned fire.

### **UNITED STATES v. SHANE BOBBY CHIAGO**

***217 Months***

Charge(s): Assault on a Federal Officer  
Use of a Firearm in a Crime of Violence

In relation to the above case, defendant Shane Bobby Chiago, 23, was the passenger who fired the gun at the pursuing federal officers. On September 7, 2004, he pleaded guilty to Assault on a Federal Officer, Discharging a Firearm During a Crime of Violence and Conspiracy to Transport Illegal Aliens Resulting in the Death of Another Person. He was sentenced on February 14, 2005, to 217 months in federal prison. The investigation in this case was conducted by the Federal Bureau of Investigation, U.S. Border Patrol and the Tohono O'odham Police Department.

### **UNITED STATES v. JOSEPH FUENTES ET. AL.**

***1 & 2 Life Sentences***

Charge(s): First Degree Murder; Conspiracy to Commit Murder

Joseph Fuentes, Nicholas Pablo, and Jesse Moore were found guilty by a federal jury. Fuentes and Moore were found guilty of First Degree Murder, and Fuentes, Moore, and Pablo were found guilty of Conspiracy to Commit Murder. This case involves the defendants, who are all federal prison inmates, conspiring to murder another federal prisoner, Jesus Lopez-Rocha. Joseph Fuentes, a drug defendant, sought to have the victim killed because he believed (mistakenly) that the victim had cooperated against him in his drug case. Because the victim was Native American, Fuentes had to get the approval of the Native Americans within the prison in order to murder the victim. The Native Americans agreed that the victim could be killed. Fuentes paid the Native Americans three balloons of heroin to kill the victim. Moore was selected by Pablo and the Native Americans to kill the victim. Moore approached Lopez-Rocha on the prison yard and stabbed him once in the heart with a shank about the diameter of an ice pick. Moore and Fuentes were sentenced on May 31, 2005 to two life sentences each. Pablo was sentenced on June 1, 2005, to one life sentence. The investigation was conducted by the Federal Bureau of Investigation.





## **CRIMINAL DIVISION**

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**UNITED STATES v. JEANNIE GARZA**

*90 Days*

**UNITED STATES v. ANCITA ABBY BAHE**

*90 Days*

Charge(s): Possession of Methamphetamine

On August 12, 2004, Jeannie Garza and Ancita Abby Bahe were charged with Possession of Methamphetamine. An officer from the Navajo Nation Police Department noticed a pickup truck parked at a gas station, and recognized one of its occupants as Havis Bahe, who had an outstanding warrant for his arrest. A warrants check found an outstanding warrant for the driver of the truck, Kathleen Thomas. Additional officers were called and Havis and Thomas were arrested. A search of the vehicle, incident to the arrest of Havis and Thomas, uncovered several firearms, alcohol, suspected methamphetamine and drug paraphernalia. During a search of Bahe, officers found a clear plastic bag containing methamphetamine. Garza admitted that she owned the small orange bags of methamphetamine that were found in the pickup. On October 7, 2004, both Garza and Bahe plead guilty to one count of Possession of a Controlled Substance, a Class A Misdemeanor offense. Garza was sentenced to ninety days incarceration and upon release, a period of one year supervised release. Bahe was sentenced to ninety days incarceration and one year supervised release. Each defendant was assessed a \$500.00 fine and \$25 special assessment. The investigation was conducted by the Federal Bureau of Investigation.

**UNITED STATES v. JACQUELINE VARGAS**

*27 Months*

Charge(s): Possession With the Intent to Distribute Marijuana

On October 18, 2004, Jacqueline Vargas was charged with Possession With the Intent to Distribute Marijuana. A Navajo Department of Public Safety police officer conducted a traffic stop for speeding and following another vehicle too closely. The car had been rented the day prior by Vargas, a passenger in the vehicle. Another female was driving and two juvenile females were in the backseat. Vargas gave the Officer permission to search the vehicle. Upon opening the truck, the officer detected a strong odor of marijuana and observed two duffle bags. Inside the duffle bags he located eight bundles of marijuana with a total weight of approximately 100 lbs. Vargas admitted she was to be paid \$3000 to pick up the packages from Tucson and deliver them to Salt Lake City. On April 27, 2005, Vargas plead to Possession With the Intent to Distribute Marijuana. On July 13, 2005, defendant was sentenced to 27 months in the Bureau of Prisons. The investigation was conducted by the Federal Bureau of Investigation.





## CRIMINAL DIVISION

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### **UNITED STATES v. JUSTIN TSO**

***\$500 Fine***

Charge(s): Threatening a Federal Officer

On April 14, 2005, Justin Tso, Sr., 57, of Chinle, Arizona, pleaded guilty in U.S. Magistrate Court to Threatening a Federal Law Enforcement Officer and was sentenced on that date to a fine of \$500 by the Court. Tso's guilty plea and sentence were based upon threats made to a National Park Service Ranger in the Canyon de Chelly National Monument. At the time of the threatening statement in late February 2005, the Park Ranger was assisting Navajo Nation Rangers in a separate investigation into allegations of animal cruelty filed by tribal law enforcement against Tso. Tso pleaded guilty in tribal court to one count of animal cruelty and is pending additional tribal animal cruelty and environmental charges regarding his operation of Justin's Horse Rentals in the Canyon de Chelly area. The investigation in this case was conducted by the U.S. Park Service.

### **UNITED STATES v. IRVING JOHNS**

***18 Months***

Charge(s): Felon in Possession of a Firearm

Iving Johns had previously been convicted of a felony. He was thereafter found in possession of a firearm as he was assisting a murder suspect flee the police and charges were filed on April 13, 2004. Johns pleaded guilty and was sentenced on November 29, 2004, to 18 months prison and three years supervised release. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

### **UNITED STATES v. FONDA MURGIA**

***33 Months***

Charge(s): Felon in Possession of a Firearm and  
Providing a Firearm to a Felon

Fonda Murgia was previously convicted of a felony and was found in possession of a firearm. She was also charged with providing a firearm to a known convicted felon. On December 1, 2004, Murgia plead guilty. She was sentenced on April 18, 2005, to 33 months prison and three years supervised release. The investigation was handled by the Federal Bureau of Investigations and the Gila River Police Department.

### **UNITED STATES v. TEREZA ROBLES**

***18 Months***

Charge(s): False Statements to Law Enforcement

Tereza Robles was a girlfriend of a suspect whom law enforcement believed attempted to murder two other men. When law enforcement tried to question the defendant about her boyfriend's whereabouts at the time of the attempted murder, she lied to them and





## CRIMINAL DIVISION

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tried to provide the boyfriend with an alibi. On March 1, 2005, Robles pleaded guilty to False Statements. She was sentenced on August 5, 2005, to 18 months prison and 2 years supervised release.

### **UNITED STATES v. STEVEN LUTHER**

*20 Months*

Charge(s): Arson

Steven Luther set fire to an abandoned house because he was upset that a relative had been previously evicted from the residence. Luther pleaded guilty to Arson and on May 12, 2005, he was sentenced to 20 months prison and 5 years supervised release. The investigation was handled by the Gila River Police Department.





## APPELLATE DIVISION

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The Appellate Division is responsible for overseeing all appellate work filed by the U.S. Attorney's Office in the Ninth Circuit Court of Appeals, including writing appellate briefs and participating in oral arguments. The Appellate Section acts as liaison with the U.S. Department of Justice and Solicitor General's Office on appellate matters, and handles special projects at the direction of the United States Attorney. The cases listed below are Ninth Circuit or Supreme Court decisions having a direct impact on the cases handled by the District of Arizona.

***UNITED STATES v. GREGORY NAKAI***  
413 F.3d 1019 (9th Cir. 2005)

The defendant was convicted of Premeditated First Degree Murder, Robbery, Felony Murder-Kidnapping, Carjacking resulting in Death, Felony Murder-Robbery, and Use of a Firearm During the Commission of Crimes of Violence, committed on the Navajo Indian reservation. The defendant argued on appeal that it was error to instruct the jury, pursuant to ***Pinkerton v. United States***, that each defendant was “*responsible for what the other conspirators said or did to carry out the conspiracy, even if the defendant did not know what they said or did,*” where defendants were not charged with conspiracy. The Court of Appeals agreed, holding that it was error to use a Pinkerton instruction in a case in which the indictment did not allege a conspiracy. The Court found, however, that the error was subject to harmless error analysis, and concluded that the error was harmless in this case, thereby affirming the defendant's conviction.

***UNITED STATES v. ELVIRA CHARLEY***  
396 F.3d 1074 (9th Cir. 2005)

In this case occurring on the Navajo reservation, the defendant was convicted of three counts of First Degree Murder and three counts of Using a Firearm During and in Relation to a Crime of Violence in the shooting deaths of her three minor children. The Court of Appeals held that the police officer's conduct in placing defendant in his police car and escorting her to her house from the home of her relatives did not amount to an “arrest” in this case, only a detention, particularly where the defendant voluntarily agreed to be transported. It also held that her interrogation by an FBI agent following her request at her tribal court arraignment (on homicide charges) for an attorney did not violate her Fifth Amendment right to counsel, because defendant's request at arraignment reflected that she invoked only her Sixth Amendment right to have counsel represent her in tribal court proceedings; defendant's Sixth Amendment right to counsel was not triggered by the tribal court arraignment.





## APPELLATE DIVISION

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### “TRIBAL MIRANDA” ISSUE

The rights provided to tribal members under 25 U.S.C. § 1302 (Indian Civil Rights Act) do not include an attorney at public expense. The person only has the right “at his own expense to have assistance of counsel for his defense.” Suspects receiving “tribal” warnings, which do not advise the suspect that he has the right to a free attorney during questioning, are not being read the rights required by *Miranda v. Arizona*. This will jeopardize the admissibility of the confession in a federal court prosecution. A few years ago, the Ninth Circuit Court of Appeals held that reading a suspect two versions of *Miranda* is confusing to a suspect, because this makes it unclear that the suspect understood that he had a right to a free attorney during questioning (a required part of the federal *Miranda* warning). *United States v. San Juan-Cruz*, 314 F.3d 384 (9<sup>th</sup> Cir. 2002) (statement in that case was not admissible in federal court, and the conviction was reversed). Recommendation - If case could proceed federally, read federal (non-tribal) version of *Miranda* warnings to suspect, so that the suspect’s statements are not ruled inadmissible at federal trial.

### *UNITED STATES v. RODOLFO GARCIA*

No. 03-10624, 2005 WL 1950886 (unpublished) August 16, 2005

The defendant was convicted of Aggravated Sexual Abuse of a minor female. The Court of Appeals held that the district court did not abuse its discretion in allowing “other bad act” evidence under Federal Rule of Evidence 404(b). The evidence of physical abuse was properly admitted under *United States v. Tsinnijinnie*, to show why the girls did not report the abuse right away. The uncharged acts of sexual abuse of the girls were also properly admitted because they tended to show opportunity, intent, knowledge, and absence of mistake or accident. A limited number of incidents came into evidence for each of the three victims. Since the credibility of each victim mattered, the number of incidents extraneous to the crimes charged have to be considered for each one, rather than cumulatively. The conviction was affirmed, but the court also granted a limited *Ameline* sentencing remand. (For explanation of *Ameline*, see *Booker/Ameline* synopsis, below.)

### *UNITED STATES v. BRUCE*

394 F.3d 1215 (9th Cir. 2005)

In a 2-1 decision arising from the Fort Peck Indian Reservation in northeast Montana, the Court of Appeals reversed the defendant’s conviction for Simple Assault on an Indian child less than 16 years of age on a reservation in violation of 18 U.S.C. §§ 1152 and 113(a)(5). The defendant argued that the case against her was brought under the wrong statute. The government charged her under § 1152, which covers offenses committed in Indian country, but excepts crimes committed by an Indian against another Indian. The defendant argued





## APPELLATE DIVISION

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that she is an Indian, and the government should have charged her under 18 U.S.C. § 1153, which covers certain offenses committed by an Indian in Indian country. The generally accepted test for “Indian” status considers (1) the degree of Indian blood; and (2) tribal or government recognition as an Indian. Evidence of a parent, grandparent, or great-grandparent who is clearly identified as an Indian is generally sufficient to satisfy the first prong. Regarding the second prong of the test – tribal or federal government recognition as an Indian – courts have considered, in declining order of importance, evidence of the following: 1) tribal enrollment; 2) government recognition formally and informally through receipt of assistance reserved only to Indians; 3) enjoyment of the benefits of tribal affiliation; and 4) social recognition as an Indian through residence on a reservation and participation in Indian social life. Although the defendant met the “Indian blood” prong, the district court found she did not meet the second, citing the fact that she was not enrolled in a tribe and failed to present evidence that the federal government had recognized her to be an Indian. The Court of Appeals disagreed, finding that the enrollment factor is not dispositive, and finding that the defendant did put forward enough evidence to show she was Indian to raise the affirmative defense issue at trial, including that whenever she was arrested, she was “arrested tribal,” which raised strong evidence of tribal recognition. The Court of Appeals found that the charging error was not harmless, and reversed the conviction. The dissenting judge noted that “no one has ever held that an adult may be an Indian (for purposes of legal status, not for purposes of ethnicity) when she is neither enrolled as a member of a tribe nor eligible for membership, nor entitled to tribal or government benefits to which only Indians are entitled; our law does not require us to allow Bruce to put her legal status as an Indian into play--and thus to shift the burden to the government to prove beyond a reasonable doubt that she is not an Indian--in the absence of any evidence that she is at least eligible for tribal membership or recognition; and it makes no sense to do so, for the majority's contrary rule allows Bruce, on the same set of facts, to be both an Indian (who cannot be prosecuted under 18 U.S.C. § 1152) and not an Indian (who cannot be prosecuted under 18 U.S.C. § 1153).”

### ***UNITED STATES v. BOOKER***

125 S. Ct. 738 (2005)

### ***UNITED STATES v. AMELINE***

409 F.3d 1073 (June 1, 2005) (*en banc*) (*Ameline* III).

Before *Booker*, the U.S. Sentencing Guidelines were binding on the sentencing court. In *Booker*, the Supreme Court ruled that the Guidelines are advisory only. Thus, although it must still correctly calculate the guideline range resolving findings of fact by a preponderance of the evidence, the sentencing judge is not required to sentence within that guideline range. The court must sentence a defendant while taking into consideration the sentencing factors set forth in 18 U.S.C. § 3553, and that sentence will now be reviewed on appeal for “unreasonableness.” This *Booker* decision affected many sentences currently on





## APPELLATE DIVISION

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appellate review, even where the defendant did not raise a *Booker*-related issue on appeal. In *Ameline*, the Court of Appeals ruled that where the record is insufficiently clear to conduct a complete plain error analysis, it would grant a limited remand to the district court to have it state whether the sentence imposed would have been materially different had the district court known that the sentencing guidelines were advisory. To date, many sentences have been remanded under *Ameline* for this limited inquiry (*see, e.g., Rudolfo Garcia, supra*) and some sentences have been remanded outright for re-sentencing because of a Sixth Amendment violation that occurred at the original sentencing, in light of *Booker*.



## CRIMINAL CASE REFERRALS

The tables below reflect the number of cases based on Indian Country jurisdiction referred by federal and tribal law enforcement or other investigative agencies to the Arizona United States Attorney's Office from July 1, 2004 through June 30, 2005. Each case may involve several defendants or charges. Once referred, the case may be charged, declined or a request for further investigation sent to the referring agency. In addition to the cases listed, Assistant U.S. Attorneys continue to work on cases referred during previous years. The total population of each tribe is listed to the right of each tribe's name. These population figures were provided by the Inter-Tribal Council of Arizona and based on the 2000 Census.

### Ak-Chin

666

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 1        |
| Aggravated Assault              | 0        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 1        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>2</b> |

### Colorado River

3,440

|                                 |           |
|---------------------------------|-----------|
| Abusive Sexual Offenses         | 4         |
| Aggravated Assault              | 8         |
| Arson                           | 0         |
| Burglary/Robbery                | 0         |
| Embezzlement                    | 0         |
| Manslaughter                    | 1         |
| Murder                          | 0         |
| Theft From Gaming Establishment | 0         |
| <b>**OTHER</b>                  | 3         |
| <b>CASE TOTAL</b>               | <b>16</b> |

### Cocopah

901

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 1        |
| Aggravated Assault              | 1        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>2</b> |

### Fort McDowell

904

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 0        |
| Aggravated Assault              | 1        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 3        |
| <b>CASE TOTAL</b>               | <b>4</b> |





## CRIMINAL CASE REFERRALS

### Fort Mohave

1,068

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 1        |
| Aggravated Assault              | 1        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>2</b> |

### Havasupai

650

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 0        |
| Aggravated Assault              | 0        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>0</b> |

### Gila River

11,500

|                                 |           |
|---------------------------------|-----------|
| Abusive Sexual Offenses         | 18        |
| Aggravated Assault              | 17        |
| Arson                           | 1         |
| Burglary/Robbery                | 3         |
| Embezzlement                    | 1         |
| Manslaughter                    | 2         |
| Murder                          | 6         |
| Theft From Gaming Establishment | 0         |
| <b>**OTHER</b>                  | 11        |
| <b>CASE TOTAL</b>               | <b>59</b> |

### Hopi

10,474

|                                 |           |
|---------------------------------|-----------|
| Abusive Sexual Offenses         | 6         |
| Aggravated Assault              | 3         |
| Arson                           | 0         |
| Burglary/Robbery                | 0         |
| Embezzlement                    | 0         |
| Manslaughter                    | 3         |
| Murder                          | 1         |
| Theft From Gaming Establishment | 0         |
| <b>**OTHER</b>                  | 4         |
| <b>CASE TOTAL</b>               | <b>16</b> |





## CRIMINAL CASE REFERRALS

### Hualapai

2,210

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 5        |
| Aggravated Assault              | 0        |
| Arson                           | 1        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>6</b> |

### Navajo (AZ)

275,000

|                                 |            |
|---------------------------------|------------|
| Abusive Sexual Offenses         | 56         |
| Aggravated Assault              | 82         |
| Arson                           | 2          |
| Burglary/Robbery                | 2          |
| Embezzlement                    | 3          |
| Manslaughter                    | 14         |
| Murder                          | 19         |
| Theft From Gaming Establishment | 0          |
| <b>**OTHER</b>                  | 31         |
| <b>CASE TOTAL</b>               | <b>209</b> |

### Kaibab-Paiute

231

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 0        |
| Aggravated Assault              | 0        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>0</b> |

### Pascua Yaqui

12,918

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 0        |
| Aggravated Assault              | 2        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 3        |
| <b>CASE TOTAL</b>               | <b>5</b> |





## CRIMINAL CASE REFERRALS

### Quechan

2,831

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 0        |
| Aggravated Assault              | 0        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>0</b> |

### San Carlos

11,328

|                                 |           |
|---------------------------------|-----------|
| Abusive Sexual Offenses         | 3         |
| Aggravated Assault              | 16        |
| Arson                           | 1         |
| Burglary/Robbery                | 0         |
| Embezzlement                    | 0         |
| Manslaughter                    | 7         |
| Murder                          | 4         |
| Theft From Gaming Establishment | 1         |
| <b>**OTHER</b>                  | 3         |
| <b>CASE TOTAL</b>               | <b>35</b> |

### Salt River

6,481

|                                 |           |
|---------------------------------|-----------|
| Abusive Sexual Offenses         | 3         |
| Aggravated Assault              | 5         |
| Arson                           | 0         |
| Burglary/Robbery                | 1         |
| Embezzlement                    | 0         |
| Manslaughter                    | 1         |
| Murder                          | 0         |
| Theft From Gaming Establishment | 0         |
| <b>**OTHER</b>                  | 3         |
| <b>CASE TOTAL</b>               | <b>13</b> |

### San Juan Paiute

300

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 0        |
| Aggravated Assault              | 0        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>0</b> |





## CRIMINAL CASE REFERRALS

Tohono O'odham

23,572

|                                 |           |
|---------------------------------|-----------|
| Abusive Sexual Offenses         | 5         |
| Aggravated Assault              | 8         |
| Arson                           | 0         |
| Burglary/Robbery                | 0         |
| Embezzlement                    | 0         |
| Manslaughter                    | 0         |
| Murder                          | 4         |
| Theft From Gaming Establishment | 0         |
| <b>**OTHER</b>                  | 10        |
| <b>CASE TOTAL</b>               | <b>27</b> |

White Mountain Apache 12,869

|                                 |           |
|---------------------------------|-----------|
| Abusive Sexual Offenses         | 7         |
| Aggravated Assault              | 8         |
| Arson                           | 0         |
| Burglary/Robbery                | 1         |
| Embezzlement                    | 1         |
| Manslaughter                    | 4         |
| Murder                          | 5         |
| Theft From Gaming Establishment | 0         |
| <b>**OTHER</b>                  | 6         |
| <b>CASE TOTAL</b>               | <b>32</b> |

Tonto Apache

110

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 1        |
| Aggravated Assault              | 0        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 1        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>2</b> |

Yavapai Apache

1,638

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 0        |
| Aggravated Assault              | 1        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>1</b> |





## CRIMINAL CASE REFERRALS

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Yavapai-Prescott

154

|                                 |          |
|---------------------------------|----------|
| Abusive Sexual Offenses         | 1        |
| Aggravated Assault              | 0        |
| Arson                           | 0        |
| Burglary/Robbery                | 0        |
| Embezzlement                    | 0        |
| Manslaughter                    | 0        |
| Murder                          | 0        |
| Theft From Gaming Establishment | 0        |
| <b>**OTHER</b>                  | 0        |
| <b>CASE TOTAL</b>               | <b>1</b> |

\*\* The "Other" category includes crimes such as Firearms Offenses (18 U.S.C § 922); Archeological Resource Protection Act Offenses (16 U.S.C. § 470); Arson (18 U.S.C. § 81); Kidnapping (18 U.S.C. § 1201); Drug Offenses (21 U.S.C. § 841); Carjacking (18 U.S.C. § 2119); and Intoxicants Dispensed in Indian Country (18 U.S.C. §1154; 1156).

What is not reflected in this report are the individual names of those who, each day, respond to crimes of violence, provide support to crime victims or who represent the joint interests of the tribal community and the federal government in federal court. These men and women each day dedicate their lives to public safety and public service for the betterment of our communities and we owe them our gratitude.